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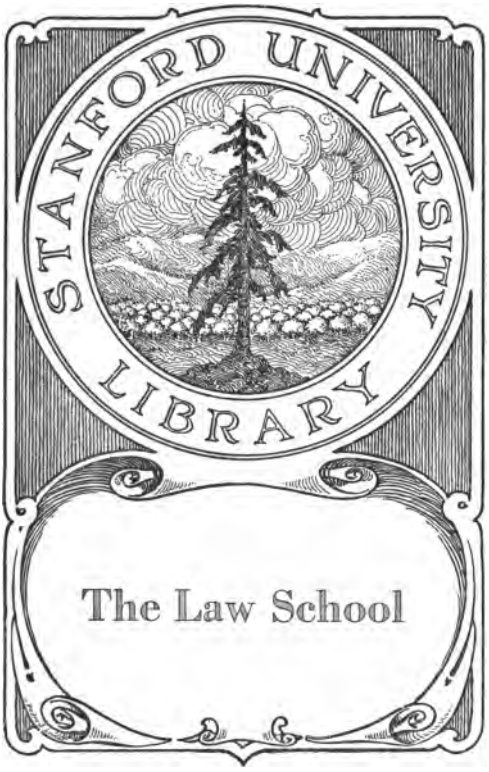
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THE LAWS

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OF THE

STATE OF KANSAS,

PASSED AT THE

FOURTH SESSION OF THE LEGISLATURE,

COMMENCED ON TUESDAY, JANUARY 12, 1864,

AT THE STATE CAPITAL.

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1864.

AUTHENTICATION.

I, W. W. H. LAWRENCE, Secretary of the State of Kansas, do hereby certify that the printed acts contained in this volume are true and correct copies of the enrolled laws on file in my office, which were passed at the regular session of the State Legislature, held in the months of January, February and March, A. D. 1864, with the exception of the clerical errors appearing inclosed in brackets; and I do further certify that all laws contained in this volume, not taking effect from their passage or publication in some newspaper, as per certificates thereto annexed, will take effect and be in force from and after the first day of July, A. D. 1864.

Given under my hand and seal of office, this first day of July, A. D. 1864.

[SEAL.]

W. W. H. LAWRENCE,
Secretary of State.

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ERRATUM.

On page 227, in third line of section 10, the words "A. D. 1864" should read "A. D. 1884."

LAWS OF KANSAS.

CHAPTER I.

ALIENS.

AN ACT in relation to Aliens.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all aliens may take by deed, will or otherwise, lands, tenements, and any interest therein, and alienate, sell, assign and transmit the same to their heirs, or any other persons, whether such heirs or other persons be citizens of the United States or not, in the same manner as natural-born citizens of the United States or of this State might do; and upon the decease of any person having title to or interested in any lands or tenements, such lands or tenements shall pass or descend in the same manner as if the alien was a citizen of the United States; and it shall be no objection to any person having an interest in such estate, that they are not citizens of the United States; but all such persons shall have the same right and remedies, and in all things be placed upon the same footing as natural-born citizens and actual residents of the United States.

Aliens may take, by deed, &c.

SEC. 2. The personal estate of an alien dying intestate shall be distributed in the same manner as the estate of natural-born citizens, and all persons interested in such estate shall be entitled to proper distributive shares thereof, under the laws of this State, whether they are aliens or not.

SEC. 3. This act to take effect and be in force on and after its passage.

Approved, February 24, 1864.

THOMAS CARNEY,
Governor.

CHAPTER II.

APPROPRIATIONS.

AN ACT making appropriations for the current Legislative expenses for year A. D. 1864.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose herein named, for the year 1864: For per diem allowance for one hundred members of the Legislature, fifteen thousand dollars; for allowance for President of the Senate, four hundred dollars; for extra allowance for Speaker of the House, one hundred and fifty dollars; for mileage of members of the Legislature, three thousand dollars: *Provided*, that no money be paid to any member or officer of the Legislature for the time when absent from the capital while the respective branch of which he is a member, is in session, except in case of sickness or otherwise directed. For Chaplain of Senate and House, three hundred dollars; for the officers and messengers of the Senate, one thousand dollars; for officers and messengers of the House, two thousand dollars; for fuel and lights for legislative halls, one hundred and fifty dollars; for legislative printing, one thousand dollars.

Duty of Auditor.

SEC. 2. The Auditor of State is hereby authorized to issue his warrants upon the Treasurer of State for the purposes and amounts specified in the first section of this act, or so much thereof as may be necessary to liquidate all such accounts which may be presented, properly authenticated by affidavit.

SEC. 3. This act to take effect and be in force from and after its publication once in the *Daily Topeka Tribune*.

Approved, February 5, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Daily Topeka Tribune* for February 6, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER III.

APPROPRIATIONS FOR CURRENT EXPENSES.

AN ACT making appropriations for the current expenses for the year 1864.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the following sums, or so much thereof as may be necessary, are hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose herein named, for the year A. D. 1864: For executive department— Executive Department. Governor's salary, two thousand dollars; Private Secretary, one thousand dollars; contingent expenses, two thousand dollars; blank book, twenty-five dollars; to reimburse the Governor for selling eighty-four thousand dollars of Kansas seven per cent. bonds, three hundred and seventy-five dollars. Secretary of State's department—Secretary's salary, fifteen hundred dollars; postage, seventy-five dollars; Clerk of Secretary of State, eight hundred dollars; express charges, one hundred and seventy-five dollars; freight on laws, twenty-five dollars; stationery for the use of the State, one thousand dollars; rent for committee rooms, twenty-five dolllars; Clerk's rooms, fifty dollars; wood and lights for use of State, six hundred dollars; water for use of State offices and Legislative hall for [the] year 1864, seventy-five dollars; contingent expenses, one hundred and fifty dollars; David Ware, for services, one hundred and fifty-nine dollars; blank books for State offices, one hundred dollars. Auditor's department—Auditor's salary, fifteen hundred dollars; Clerk hire, one thousand dollars; contingent fund, one hundred and fifty dollars; services as Librarian, one hundred and fifty dollars; postage, fifty dollars; moving safe and office, forty-seven dollars. Treasury department—Treasurer's salary, twelve hundred dollars; postage, twenty-five dollars; Clerk hire, five hundred dollars; for Mrs. Ridgway, for one month's services of Dr. Ridgway, deceased, Clerk in Treasurer's office, one hundred dollars; for commission to pay agent in New York city, on coupons, one hundred and fifty dollars, for years 1863 and 1864. Superintendent of

Secr'y of State's Department.

Auditor's Dep't-ment.

Treasury Department.

School Superintendent's Department.

Public Instruction's department—salary, twelve hundred dollars; traveling expenses, three hundred dollars; postage, seventy-five dollars; deficiency in traveling expenses in the year 1863, seventy-nine dollars; blank book, ordered by W. R. Griffith, thirty-five dollars; furniture, twenty-five dollars.

Attorney General's Department

Attorney General's department—salary, one thousand dollars; reimbursing Attorney General for traveling expenses for 1863, one hundred dollars; contingent expenses, one hundred dollars; to pay expenses incurred in the prosecution of State cases for the years 1861 to 1864, inclusive, three hundred and fifty dollars, to be paid on accounts properly verified, and approved by the Governor and Attorney General.

Adjutant General's Departm't.

Adjutant General's department—salary, twelve hundred and fifty dollars; Clerk hire, one thousand dollars; for allowance of traveling expenses, 1863, fifty dollars; seal for office, ten dollars; contingent and traveling expenses, 1864, four hundred dollars; blank books, fifty dollars; office rent, one hundred and fifty dollars; furniture for office, one hundred and twenty-five dollars; postage, one hundred and twenty-five dollars; for book case, furnished by E. Baker, fifty dollars.

Quartermaster Gen's Departm't.

Quartermaster General's department—salary, seven hundred and fifty dollars.

Judiciary Department.

Judiciary department—salary of Chief Justice, eighteen hundred dollars; salaries of two Associate Justices, three thousand dollars; to E. V. Banks, services as Reporter of the Supreme Court for 1863, one hundred and seventy-five dollars; for printing and binding first volume of reports of the Supreme Court, eighteen hundred dollars; for pay of officers, stationery, fuel and contingent expenses for Supreme Court, fifteen hundred dollars, to be drawn upon vouchers approved by the Clerk and Chief Justice of the Supreme Court; safe for Supreme Court, five hundred dollars; for pay of Law Librarian, one hundred dollars; salary of District Judges, seven thousand five hundred dollars; salary of the Judge of the Criminal Court of Leavenworth county for the year 1864, five hundred dollars.

Legislative expenses.

Legislative expenses—additional allowances of pay of members and officers, one thousand dollars; H. A. Cook, for four days' services, fitting up Senate chamber, twelve dollars; Leroy Crandall, for one day's service, fitting up Senate chamber, three dollars; for transcribing the journals of the two Houses, seven hundred dollars;

for printing laws and journals, etc., for 1864, eight thousand dollars, provided that no money shall be paid out of this appropriation for printing the Governor's message in English, or the volume of public documents; for binding laws and journals, two thousand dollars. Miscellaneous—Freeman Bell, for copying House journals destroyed at Lawrence, seventy dollars and thirty cents; Eddy and Arnold, bills for lamps, etc., forty-five dollars and eighty cents; Hugo Kullak, for building in rear of capitol, ninety dollars; Hugo Kullak, for stand, etc., for Governor's room, twelve dollars; Hugo Kullak, for work performed and material furnished for Senate chamber, one hundred and five dollars; Hugo Kullak, for work performed and material furnished for Secretary of State's office, one hundred and thirty-eight dollars and eighty-five cents; Hugo Kullak, for work performed and material furnished in the room of the Superintendent of Public Instruction, twenty-two dollars and sixty-five cents; Hugo Kullak, for work performed and material furnished for Treasurer's office, eight dollars and sixty-five cents; Hugo Kullak, for work performed and material furnished in the Representative hall, one hundred and forty-two dollars; Smith & Farnham, for bill of coal oil, etc., eight dollars and thirty cents; Wilcox & Son, for mosquito-bars, three dollars; Banks & Fitzgerald, for lumber, doors, etc., for State department, Ritchie block, fourteen dollars and seventy-five cents; Banks & Fitzgerald, for moving State furniture and safe, fifty dollars and fifty cents; Banks & Fitzgerald, for lumber, sawdust and labor, fifteen dollars; Reuben Burrell, for labor, sixty-five dollars; Kellam & Bro., for lamps, oil, etc., one hundred and one dollars; Wilson Shannon, jr., seal for District Court, Douglas county, twenty-one dollars and seventy cents; Robert Walker, furnishing flag pole, three dollars; M. G. Martin, putting up flag pole, and other labor, twenty-eight dollars; A. B. Perine, for branding-iron, repairing stove, etc., twelve dollars; John Stewart, for stoves and pipe, twenty-six dollars; U. S. Express Company, express charges for Governor and State officers, forty-three dollars and fifty-five cents; E. Baker, for chairs for Governor's room, thirty-two dollars; E. Baker, making desk for Secretary's office, etc., twenty dollars; E. Baker, for desks and tables for Senate chamber, thirty dollars; E.

Miscellaneous.

Baker, for Speaker's desk, chairs and tables, forty dollars; E. Baker, for furniture for Treasurer's office, thirty-five dollars; Hamilton & Veale, bill of articles furnished Secretary of State, sixty-four dollars and twenty cents; Wykoff & Stringham, for varnishing furniture, papering room, and sign for Governor's room, painting sign, oiling furniture, etc., for Secretary of State's room, signs, etc., for Treasurer's room, signs for Attorney General's room, sign for Senate chamber, oiling banister, and painting flag pole, Representative hall, seventy-two dollars; Jacob Smith, stove pipe, zinc, etc., for Governor's room, seventy-nine dollars and fifty cents; for Treasurer's office stove and pipe, fifteen dollars and twenty-five cents; for office of Secretary of State, for hardware, etc., seventy-nine dollars and forty-eight cents; Adjutant General's office, glass, nine dollars and forty cents; for Supreme Court room, stove, pipe, zinc, etc., forty-nine dollars and fifty-one cents; for zinc and tacks, thirteen dollars and thirty-eight cents; Watson & Rhinehart, cocoa matting, bunting, curtains and other fixtures in State offices and Legislative halls, six hundred and thirty-two dollars and seventy cents; Samuel Sweet, for water for State offices and Legislative hall, forty dollars; Samuel Dodsworth. for printing Auditor's blanks, making boxes, etc., fifty-four dollars; Leroy Crandall, commissioner, locating State Normal School, ten dollars; W. H. Weymouth, hanging curtains, etc., Legislative hall, twenty-one dollars and forty-five cents; A. Cohen, clothing and items furnished convicts in State penitentiary, one thousand and nineteen dollars and seventeen cents; J. B. Billings, oil, brooms, etc., forty-seven dollars and fifty cents; Woods & Abernathy, chairs for Supreme Court room, one hundred and eighteen dollars [and] fifty cents; Woods & Abernathy, chairs, twenty-four dollars and twenty-five cents; George Knapp & Co., books and stationery, etc., for Adjutant General's office, for 1863, two hundred dollars; G. J. Park, medicines furnished convicts, State penitentiary, seventy-one dollars and fifteen cents; S. W. Jones, medical attendance on convicts in State penitentiary, two hundred dollars; Watson & Rhinehart, cocoa matting, one hundred and fifty-two dollars and forty-four cents; Geo. W. Sapp, hauling matting and stationery from Leavenworth, twenty-five dollars; William Chesnut, locating

Insane Asylum, twenty-five dollars; Mr. Hiner, do., five dollars; Mr. Hanway, do., five dollars; J. A. Steele, rent of room for Secretary Lawrence, January, 1863, five dollars; S. W. Eldridge, carpet furnished State, per order of Secretary Robinson, 1862, forty-five dollars; Samuel Dodsworth, for books and stationery, Adjutant General's office, 1863, one hundred and seventy-four dollars; for House journals extra bound, twenty-two dollars and fifty cents; G. Dudley, postage for Adjutant General's department for 1863, eighty-one dollars and fifteen cents; E. Baker, for case for Adjutant General's office, seventy-five dollars; A. S. Thomas, Clerk in Adjutant General's office, 1863, two hundred and twenty-seven dollars; H. Bemen, clerk in Adjutant General's office, 1863, thirty-nine dollars; *Kansas Zeitung*, for translating and publishing laws in German, three hundred dollars, or so much thereof as may be necessary to pay for the publishing and translating, at the rate of two dollars per one thousand ems for publishing and translating; E. Baker, for lumber for shelving Auditor's office, twenty-six dollars and ninety cents; Kellam Bros., oil and lamps, Auditor's office, fifteen dollars and fifty cents; Banks & Fitzgerald, for lumber and door, thirty-eight dollars and seventy-seven cents; Hugo Kullak, for lumber furnished and labor performed in fitting up Auditor's office, sixty-four dollars and ninety-five cents; S. A. Link, pigeon holes, Auditor's office, five dollars; Jacob Smith, stoves, pipe, glass, etc., for Auditor's office, sixty-three dollars and fifty-one cents; Wilcox & Son, buff linen cord and tassel, five dollars and eighty-seven cents; Wykoff & Stringham, graining counter, setting glass, painting sign for Auditor's office, twenty-eight dollars; Hugo Kullak, for laying down carpet in Representative hall, and other labor, twenty dollars; for putting down carpet in Senate chamber and labor, ten dollars; Hugo Kullak, for putting down carpet in Attorney General's room, three dollars; T. Mills, for partition across Supreme Court room, fifty dollars; T. Mills, for glazing in Supreme Court room, eight dollars; M. B. Crawford, putting up books, repairing chairs, and work in the hall, thirty-three dollars and twenty-five cents; M. B. Crawford, for taking care of Clerk's and committee rooms, sixty dollars; Kellam & Bro., for lamps and chimneys, three dollars and sixty-five cents; State penitentiary, fifty thousand

dollars; for boarding, clothing and guarding State prisoners, eight thousand dollars, for the year 1864; for services of Directors of State penitentiary, five hundred dollars; *Kansas Zeitung*, for printing Governor's message, one hundred and twenty-five dollars; John F. Richard, for rent of armory room for State arms, one hundred dollars, from May 20, 1861, to Dec. 20, 1862; Geo. O. Wilmarth, for blank books, ink and paper, and other stationery, thirty-four dollars; J. B. Billings, for oil, brooms and baskets, forty-five dollars and fifty cents; W. H. Weymouth, for material furnished and labor performed in Supreme Court room, forty-six dollars and twenty-four cents; Watson & Rheinhart, for carpet, cocoa matting, green baize, etc., for Supreme Court room, two hundred and nine dollars and fifteen cents; Drake Bros., for stationery for Supreme Court room, one hundred and thirteen dollars and twenty-five cents; Edwin Bodwell, for tables for Supreme Court room, eighty dollars; W. W. H. Lawrence, for postage stamps for quarter ending on the 31st day of December, eighteen hundred and sixty-three, and postage on papers and drawer rent, twenty-four dollars; Asa Hairgrove, for contingent expenses, Auditor of State's office, for 1863, thirty-one dollars and sixteen cents; Cummings & Stark, for publishing laws in *Topeka Daily Tribune*, two hundred dollars; J. F. Cummings, for printing blanks for Adjutant General, for the volunteer service, one hundred and fifteen dollars; to enable Commissioners to complete the location of the State Agricultural College lands, one thousand dollars; insurance on State Agricultural College buildings, library and apparatus, $125; lightning rods to said buildings, $60; Register and Receivers of the various land offices in the State, two thousand dollars, or so much thereof as is necessary to be applied to pay said officers for their services in entering up State lands, at thirty-five cents per quarter section; R. McBratney, for furnishing 285 township plats to Commissioners to locate State lands, one hundred and forty-two dollars and fifty cents; to F. L. Crane, for services as Clerk in Adjutant General's office, one hundred dollars; W. H. Cowan, do., one hundred dollars; Alfred Cappee, do., thirty dollars.

Auditor to issue warrants.

SEC. 2. The Auditor of State is hereby authorized to issue warrants upon the Treasurer of the State for the purpose and

amounts specified in the first section of this act, or so much thereof as may be necessary to liquidate all such accounts, which may be presented to him. All accounts for legislative expenditures, furniture, stationery, lights, fuel and other supplies, shall be certified to by the Secretary of State and approved by the Governor, as is contemplated in section twenty of an act defining the powers and duties of certain State officers, approved June 3, 1861. All accounts for printing shall be approved by the Secretary of State, Auditor and Treasurer, except the printing of the proclamations of the Governor, which shall be approved by the Governor: *Provided*, that no account shall be allowed or audited for which no provision has been made by law, and unless a detailed statement containing the several items thereon, verified by affidavit setting forth that the same is just and correct, and remains due and unpaid, and that the amount claimed thereon is actually due, according to the legal or ordinary prices for services rendered or materials furnished, as the case may be, and the Auditor shall audit only the amount so found actually due, dollar for dollar, according to the legal or ordinary compensation or prices for services rendered, salaries or fees of officers, or materials furnished.

Accounts to be certified and approved.

SEC. 3. This act shall take effect and be in force from and after its publication once in the *Topeka Tribune*, and the Secretary of State is hereby directed to cause such publication to be made immediately upon its approval by the Governor, which shall constitute such publication.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 5, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER IV.

APPROPRIATION OF CERTAIN MONEYS.

AN ACT appropriating certain moneys in Morris county.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all money now in the treasury of Morris county, and in the hands of the township trustee of Council Grove township, received in payment of dram shop and tavern licenses, and not otherwise appropriated, and all money that may be received from the same source during the years 1864 and 1865, be and the same is hereby appropriated to aid in building a school house for the use of graded school district No. one, Morris county, Kansas.

Appropriation.

SEC. 2. This act to take effect from and after its publication in the *Daily Topeka Tribune.*

Approved, February 15, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for February 17, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER V.

APPROPRIATION TO REFUND GOVERNOR.

AN ACT appropriating money to refund to the Governor, Thomas Carney, expenses incurred by him in protecting the State.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the sum of ten thousand eight hundred dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to refund to Thomas Carney, the amount advanced by him in protecting the State in the year 1863.

SEC. 2. It shall be the duty of the Auditor to draw his warrant on the Treasurer for the amount advanced by the said Thomas Carney, for said purpose, as shown by the report of the Quartermaster General, with interest at seven per cent. per annum, from the 13th day of December, 1863. Auditor to draw warrant.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Topeka Tribune.*

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 5, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER VI.

APPROPRIATION FOR EDUCATING DEAF AND DUMB.

AN ACT making appropriation for educating the deaf and dumb children of the State of Kansas, for the year 1864.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the sum of eighteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys not otherwise appropriated, for the purpose of assisting Professor P. A. Emery, as teacher of the deaf and dumb; that the said Emery is allowed five dollars per week for board and tuition for each and every deaf mute pupil of this State, between the age of ten and twenty-one years, receiving instruction from him or his assistants, whose parents are unable to pay for their board and tuition.

SEC. 2. The certificate of the county board of commissioners of the county wherein the parents of said child may reside, shall be evidence of the inability of such parents to provide for the instruction of said child.

SEC. 3. The said Emery, or one of his assistants, must produce to the Auditor of State, a written certificate at the close of each quarter, stating the number of pupils, and the number of weeks each pupil attended his school during the closing quarter, which certificate must be subscribed and sworn to before some person authorized by law to administer oaths.

Auditor to issue warrants.

SEC. 4. The Auditor of State is is hereby authorized to issue warrants upon the treasury of State for the amount and purpose specified in the above mentioned quarterly certificate.

Report shall be made out.

SEC. 5. The said Emery, or one of his assistants, must produce to the Governor of State, at the close of the year, a written report, stating the names, number, age, sex, time at school, county where each pupil resides, his or her parents' or guardians' name, together with such remarks as will be proper to make.

SEC. 6. This act shall take effect and be in force from and after its passage.

Approved, February 22, 1864.

THOMAS CARNEY,
Governor.

CHAPTER VII.

APPROPRIATION TO PAY REPORTER.

AN ACT making appropriation for pay of Reporter of the Supreme Court.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That there be and is hereby appropriated out of any money in the treasury not otherwise appropriated, to E. V. Banks, for service as Reporter of Supreme Court, for six months next preceding the first day of March, 1864, in addition to the sum appropriated by an act making appropriations for the current expenses for the year 1864, approved March 1st, 1864, three hundred and twenty-five dollars, and for Reporter of the Supreme Court, commencing March 1st, 1864, five hundred dollars.

SEC. 2. This act shall take effect and be in force from and

after its publication once in the *Topeka Tribune*, and the Secretary of State is hereby directed to cause such publication to be made immediately upon its approval by the Governor, which shall constitute such publication.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 13, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER VIII.

MUTILATED, LOST AND DESTROYED BONDS.

AN ACT concerning mutilated, lost and destroyed Bonds.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That whenever any bond of the State of Kansas, or of any county, shall become so far mutilated as to be unfit for circulation, or shall be lost or destroyed, a duplicate thereof may be issued by the officer authorized by law to issue such bond, under the regulations and restrictions hereinafter provided. Duplicate bonds may be issued.

SEC. 2. Such duplicate shall correspond in number, date, amount and coupons with the original bond, and shall have endorsed upon its face, by the Auditor, if a State bond, or the county clerk, if a county bond, the word "Duplicate," together with the date of its issuance. Designated.

SEC. 3. A duplicate for a mutilated bond shall issue upon delivery of such mutilated bond to the Auditor, if a State bond, or to the county clerk, if a county bond. Mutilated bonds.

SEC. 4. A duplicate for a lost or destroyed bond shall not issue until there shall have been filed with the Auditor, if a State bond, or the county clerk, if a county bond, an affidavit Affidavit to be filed in certain cases.

of some person knowing the facts, setting forth the ownership of such bond, the description thereof, the number of coupons thereto attached, and the manner of its loss or destruction, and until there shall have been executed and filed with the same officer an indemnifying bond, with securities to be approved by such officer, in a sum equal to double the amount of the bond, and the coupons attached, conditioned that the parties thereto shall pay all damages which the State or county, as the case may be, may sustain if it should be compelled to pay such lost or destroyed bond or coupons.

Record to be kept

SEC. 5. The Auditor or county clerk, as the case may be, shall keep a record, showing the numbers, dates and amounts of such mutilated, lost or destroyed bonds, and the number of coupons thereto attached, together with the date of the issuance of the duplicates therefor, and the names of the persons to whom issued.

SEC. 6. This act shall take effect and be in force from and after its publication in the *Topeka Tribune*.

Approved, February 12, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for February 15, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER IX.

BONDS OF THE STATE OF KANSAS.

JOINT RESOLUTION concerning certain Bonds of the State of Kansas.

Resolved by the Legislature of the State of Kansas:

That the sale and disposition of the bonds of the State of Kansas, issued under and in pursuance of an act to provide for the issue and negotiation of bonds of the State of Kansas, and

to legalize those bonds of the State, heretofore sold to the Department of the Interior of the United States, approved March second, 1863, made by the Governor of this State, be and the same is hereby approved, and in all respects ratified and affirmed.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

CHAPTER X.

ISSUE AND NEGOTIATION OF BONDS.

AN ACT to provide for the issue and negotiation of Bonds of the State of Kansas, in the construction of the Penitentiary.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That for the purpose of providing for the erection and construction of a State penitentiary, in accordance with the laws of this State, fifty thousand dollars of the bonds of the State of Kansas, with coupons attached, to be signed by the Treasurer, shall be issued payable twenty years from date, and bearing interest at the rate of seven per cent. per annum, payable semi-annually in the city of New York, which bonds shall be signed by the Treasurer, and countersigned by the Governor and Auditor, and have the seal of the State attached, and which bond shall specify to whom payable, the rate of interest, and the time when the principal and interest shall be paid, and each bond so issued shall not be for a less sum than one thousand dollars.

Fifty thousand dollars of State bonds.

SEC. 2. The Treasurer of the State is hereby authorized and directed to attain suitable blank bonds, to be issued as provided in the first section of this act.

Duty of State Treasurer.

SEC. 3. The proper officers of the State of Kansas shall cause to be levied and collected each year with the other taxes of the State, a sufficient amount to pay the interest as the same accrues, on all bonds issued under the provisions of this act, and also to levy and collect a tax sufficient to create a sinking

Tax to be levied

fund for the final redemption of such bonds, which tax, when paid into the State Treasury, shall be and remain a specifi fund for such purpose only, and shall not be appropriated or used in any other way except as hereinafter provided.

Sinking fund.

SEC. 4. That the tax mentioned in the third section of this act, levied and collected to create a sinking fund for the final redemption of the bonds issued under this act, shall be invested annually (if the same can be done advantageously by and for the interests of the State), by the Governor, Auditor and Treasurer of the State, in the bonds of the United States, and in bonds of this State, at their market value on the New York Stock Exchange, but in no case shall the same be purchased at a higher price than their par value. Bonds of the United States so purchased shall be held and retained by the Treasurer until the principal of the bonds issued under this act shall become due, and shall then be disposed of at the highest market rates of the New York Stock Exchange, and the proceeds of the sale of such bonds, purchased as aforesaid, shall be appropriated to the redemption of the bonds issued under this act, but all bonds of the State of Kansas purchased as aforesaid, shall have "Cancelled" written across the face of the bonds, and of the remaining coupons, and the date of the cancellation shall be written on the face of the bonds so cancelled, and the cancelled bonds shall then be deposited with the Auditor.

Bonds cancelled.

Interest, how paid.

SEC. 5. That whenever the interest on the above mentioned bonds shall become due, the same shall be paid by the Treasurer of the State upon presentation of the proper coupons therefor, at the State treasury, or at such banking house in the city of New York, as he may previously designate by notice published in a daily newspaper printed in said city, and the coupons thus paid shall be cancelled and filed in the Auditor's office by the Treasurer.

SEC. 6. That all money realized by the State of Kansas from the bonds issued under this act, after paying all the necessary expense of issuing and negotiating the same (such expense to be paid, however, only on specific appropriation therefor), be and the same hereby is set apart and appropriated to the payment of any appropriation heretofore made by law or that may be hereafter made for the State penitentiary.

SEC. 7. The credit of the State is hereby pledged to the payment of the interest and principal of the bonds mentioned in this act, as the same may become due. And it shall be the duty of the State Auditor to register such bonds in a book provided for that purpose, which registry shall show the date, number, amount, and to whom is made payable each of said bonds; said bonds shall be dated July 1st, 1864, and shall be marked "Penitentiary Bonds." Credit of State pledged.

SEC. 8. That the Governor of the State of Kansas be and he is hereby authorized to sell and dispose of said bonds for the State of Kansas, and receive the money therefor, which money shall be immediately paid into the treasury of the State, provided that the bonds herein provided for shall not be sold or delivered for a less sum than ninety cents on the dollar. Governor to sell.

SEC. 9. That before any bonds shall be delivered to the Governor as contemplated in the last preceding section, he shall execute to the State of Kansas, a bond in the sum of one hundred thousand dollars, with two or more good and sufficient sureties, to be approved by the Attorney General and Treasurer, conditioned for a faithful discharge of his duties as agent under and by virtue of this act, which bond shall be delivered to and filed with the Auditor. Security.

SEC. 10. That this act shall take effect and be in force from and after its publication once in the *Topeka Tribune*, and the Secretary of State is hereby directed to cause such publication to be made forthwith.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 4, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XI.

BONDS FOR BUILDING A BRIDGE.

AN ACT to authorize the Board of County Commissioners of Shawnee county to issue Bonds for the purpose of building a bridge across the Kansas river.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the board of County Commissioners of Shawnee county are hereby authorized and empowered to issue the bonds of said county for any sum or sums not exceeding sixty thousand dollars, and to negotiate a loan or loans thereon, for the purpose of building a bridge across the Kansas river, at the city of Topeka, or of taking stock in any corporation now existing, or which may hereafter exist, and having for its purpose the bridging of said river at said city of Topeka: *Provided*, such bonds shall not be drawn for a greater rate of interest than ten per centum per annum; and *Provided*, such bonds shall not be issued in a greater sum than fifteen thousand dollars, except upon a majority vote of the voters of Shawnee county, granting such further issue.

Bonds.

Proviso.

SEC. 2. The bonds herein provided for shall be issued in sums of one hundred dollars, payable in ten years from the date thereof, with interest semi-annually, said interest to be paid at the office of the treasurer of the said county.

One hundred dollars.

SEC. 3. The said board shall each year cause to be levied and collected a sufficient tax to pay the interest on said bonds as the same shall become due. The said board shall also levy and collect a tax sufficient to create a sinking fund for the final redemption of such bonds, which taxes, when paid into the county treasury, shall be and remain a special fund for said purpose only, except as hereinafter provided.

Levy each year.

SEC. 4. The tax aforesaid, levied and collected to create a sinking fund for the final redemption of the bonds issued under this act, may be applied by the said board, as the same shall be collected, to the redemption of said bonds, preference being given by said board to the bonds first issued, and in the order of their numbers.

Sinking fund.

SEC. 5. Whenever there shall have been collected a sufficient amount, as aforesaid, to redeem one or more of said bonds, the board shall give sixty days notice, by publication in some newspaper printed at the county seat, that they are ready to redeem such bonds, designating the same by their numbers, and if such bonds are not presented for redemption within thirty days after the completion of such publication as aforesaid, the interest on the same shall cease. Sixty days notice

SEC. 6. Said bonds and coupons of the same shall, at maturity, be received by the county treasurer of said county in payment of all county taxes. Bonds and coupons received for taxes.

SEC. 7. Said bonds, or the proceeds thereof, shall not be used for any other purpose except the construction of a bridge across the Kansas river, or for the purpose of taking stock in some corporation having for its sole object the building of a bridge across the Kansas river, and any officer or officers who shall apply, appropriate to, or use any of the said bonds, or the proceeds thereof, for any other purpose or object than the purpose specified in this section, shall be deemed guilty of a misdemeanor, and fined in a sum not less than double the amount of the money or bonds thus misappropriated, and imprisoned at hard labor not less than one year: *Provided, however*, that funds received as the proceeds of such bonds may be applied to the redemption of said bonds. Bonds not to be used except for purposes herein stated.

SEC. 8. On any bridge, in the construction of which said bonds or the proceeds thereof shall be used, such toll may be collected as the board of County Commissioners of the county of Shawnee shall from time to time prescribe. Toll.

SEC. 9. This act shall take effect and be in force from and after its publication, and it shall be the duty of the Secretary of State, immediately upon the approval of this act by the Governor, to have a certified copy published once in the *Daily Topeka Tribune*, which shall constitute such publication.

Approved, February 9, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for February 12, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XII.

BRIDGES OVER THE KANSAS RIVER.

AN ACT to encourage the construction of bridges over the Kansas river, within the county of Wyandotte.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That any person or persons now owning or operating a ferry over the Kansas river, within the county of Wyandotte, under a charter granted by the Legislature of the Territory of Kansas, may construct a bridge over said Kansas river, within said county of Wyandotte, at any place where such person or persons have the right of operating such ferry, and may make any contract, and may do any act necessary to enable such persons to construct such bridge: *Provided*, such bridge be commenced within six months, and completed within eighteen months from the passage of this act.

SEC. 2. Provided such person or persons shall complete and finish such bridge within the time prescribed by this act, such person shall have the right to operate such bridge and take tolls on the same, and no other person or company shall build or establish any other bridge or ferry within two miles thereof, within eighteen years from the completion of such bridge.

SEC. 3. As soon as such bridge shall have been completed and finished, as prescribed in this act, it shall be the duty of the county tribunal transacting business in and for said county, before any toll is taken on said bridge, to fix and establish the rates of toll to be taken on the same, which rates of toll shall be printed in a plain and legible manner upon a board, and

Toll.

kept in a conspicuous place upon such bridge; and if any person operating such bridge shall demand and receive any greater rate of toll than the rate established by said county tribunal, such person shall be subject to a fine of ten dollars.

SEC. 4. At the expiration of five years from and after the completion of such bridge, and within one year therefrom, the county of Wyandotte shall have the exclusive right and privilege to purchase from any person or persons owning such bridge, all their right, title, interest and privileges of whatsoever nature, in and to such bridge, with all the appurtenances and hereditaments thereunto belonging, for the sole use and benefit of the said county of Wyandotte. Right to purchase.

SEC. 5. It shall be the duty of the board of county commissioners of said county of Wyandotte, to notify the people of said county one year preceding the expiration of said five years mentioned in the preceding section, that at the next ensuing general election in said county, the following question shall be submitted to a vote of the people of said county, viz: Shall the county of Wyandotte purchase such bridge as mentioned in the preceding section? and if a majority of the votes cast at said election shall be in favor of such purchase, it shall be the duty of said board of county commissioners, within ten days thereafter, to select one disinterested person, and said board shall also notify the owners of such bridge, or their agent, to select another such disinterested person within said ten days, and said two persons shall select a third disinterested person, and when thus selected, it shall be the duty of such appraisers to proceed immediately and appraise such bridge, and all the appurtenances and hereditaments as aforesaid, thereunto belonging, and shall fix and establish the price to be paid for the same by said county of Wyandotte to said owner thereof, and as soon as said appraisement shall have been made, said appraisers shall notify said commissioners and said owners of the same, in writing, stating the price fixed by said appraisers for the purchase and sale of such bridge, all of which shall be binding upon said commissioners and said owners thereof. Duty to notify.

SEC. 6. It shall be the duty of said county commissioners, within ninety days from and after the making of said appraisement, to pay to said owners of said bridge the price fixed by

said appraisement, and immediately thereupon said owners of said bridge shall be bound in law to make and deliver to said county of Wyandotte, a good and valid deed of conveyance of all their right, title and interest in and to such bridge, with all the appurtenances, hereditaments thereunto belonging.

Deed of conveyance.

SEC. 7. Provided a majority of votes cast at said general election shall be against the purchase of such bridge, or provided that said commissioners shall not comply with the provisions of this act within said ninety days, as prescribed in section six of this act, then, and in either of said events, said county of Wyandotte shall forever abandon all rights and privileges of purchase of such bridge given to said county by this act, and shall have no claim of purchase whatsoever to such bridge, but the same shall have ceased forever.

Repealed sections.

SEC. 8. Sections 26, 27, 28, 29, 30, 31, 32 and 33, of an act entitled "An act to enable the trustees of colleges, academies, universities and other institutions, societies and companies to become bodies corporate," shall have no application whatsoever to any person or companies mentioned in this act, or authorized to build such bridge under the provisions of this act.

SEC. 9. This act shall be in force from and after its publication in the *Topeka Tribune*.

Approved, February 25, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for February 27, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XIII.

BONDS FOR JAIL FOR LYON COUNTY.

AN ACT to authorize Lyon County to issue Bonds to build a Jail.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The county board of Commissioners of Lyon county, Kansas, for the purpose of erecting a suitable jail at the county seat in said county, on the ground set apart as a site for county buildings of the said county of Lyon, approved February 4th, 1862, be and they are hereby authorized to issue the bonds of said county, not exceeding in amount seven thousand dollars, or so much thereof as the Commissioners aforesaid may deem necessary, in sums not less than one hundred dollars, which bonds shall have coupons attached, and shall draw interest from their date at the rate of seven per cent. per annum, payable annually, and each bond shall be signed by the chairman and clerk of the board of Commissioners aforesaid, and countersigned by the Treasurer of said county, and shall specify thereon to whom the same shall be made payable. Bonds to issue—how.

SEC. 2. The bonds issued under the first section of this act may be made payable at any time after ten years from their date, and may be negotiated by the said board of Commissioners at not less than ninety-five [cents] on the dollar. When payable.

SEC. 3. That said board of County Commissioners shall levy annually such a per cent. on the taxable property in said county as shall be sufficient to pay the interest on all bonds issued under the provisions of this act, as the same accrues; also, to levy and collect a tax sufficient to create a sinking fund for the final redemption of the principal of said bonds, which taxes, when paid into the treasury, shall be and remain a specific fund for said purpose only. Levy of tax.

SEC. 4. As fast as money shall accumulate in the treasury, for the redemption of the bonds aforesaid, it shall be applied to the taking up of such bonds, in the order in which they may be presented by the holders thereof, and, in case no bonds shall be presented, the said board of Commissioners may call in and take up the same, and no bond shall draw interest after

the said board of Commissioners shall have advertised, by three insertions in some newspaper having a general circulation in said county, that they are ready to pay off the principal and interest of any bond designated in such advertisement.

Interest due—how paid.

SEC. 5. Whenever the interest on the above mentioned bonds shall become due, the same shall be paid by the Treasurer of said county, out of any moneys in the treasury for that purpose, and the coupons for the interest then due shall be taken up by said Treasurer, cancelled, and filed in his office.

Blank bonds.

SEC. 6. The clerk of said board of Commissioners is hereby authorized, and it is made his duty, to obtain blank bonds, with suitable devices to prevent counterfeiting, and of such suitable material as he may deem proper.

Sale.

SEC. 7. That all money realized by the said county of Lyon from the sale of said bonds shall be applied exclusively to the construction of the jail as aforesaid.

Registration.

SEC. 8. It shall be the duty of the clerk of said board to register, in a book provided by him for that purpose, the bonds issued under the provisions of this act, which said registry shall show the date, number, amount, and to whom is made payable each of said bonds.

Vote to be taken.

SEC. 9. Before issuing any bonds under the provisions of this act, the question of building a jail shall be submitted to a vote of the people of said county, at the general election on the Tuesday succeeding the first Monday in November, A. D. 1864. Said election shall be conducted under the general election laws of this State, and those voting in favor of building a jail shall have printed or written on their ballots, "For the jail," and those voting against the building of a jail shall have written or printed on their ballots, "Against the jail;" and if a majority voting at such election shall be in favor of building the jail, then said Commissioners may issue the bonds as provided in this act.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XIV.

BONDS FOR BUILDING BRIDGES.

AN ACT entitled "An act to authorize the counties of Dickinson and Saline to issue bonds for the purpose of building bridges."

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That, upon the petition of twenty or more of the freeholders of either of the counties of Dickinson and Saline, addressed to the County Commissioners of the county wherein they reside, asking that a proposition for a loan of the county credit, for the purpose of building bridges, being presented to either of said boards of County Commissioners, they shall cause said proposition to be submitted to the voters of their respective counties, at the first general election after said petition has been received. Bridge loan.

SEC. 2. Said County Commissioners shall cause printed or written notices of said proposition for loaning the county credit for building bridges to be posted in three of the most public places in every township in their respective counties, for twenty days next preceding the election when such proposition is to be submitted, which notices shall state, in a concise manner, the amount proposed to be raised, and also the name of every stream proposed to be bridged, the place where said stream is proposed to be bridged, and the amount proposed to be raised for each bridge: *Provided, however*, that no county shall submit a proposition for loaning the credit of said counties for a greater amount in the aggregate than fifteen thousand dollars. County Commissioners.

SEC. 3. That the electors of either of said counties mentioned in the foregoing section, when a proposition has been advertised as provided for in section two of this act, shall vote for bridge loan ——— dollars, yes, or for bridge loan ——— dollars, no.

SEC. 4. That, if a majority of the votes cast at any election where any proposition for a bridge loan has been submitted shall be in favor of said proposition, then it shall be the duty of the County Commissioners to prepare county bonds, in denominations of fifty dollars each, bearing interest at the rate County bonds.

of ten per cent., for the full amount of the proposed loan, payable to A. B. or bearer, in ten years, with coupons attached, which matured coupons shall be receivable in payment for all county taxes.

SEC. 5. That the County Commissioners of any county which has issued her bonds, as above, shall cause an assessment to be made annually on all the taxable property in the county, sufficient to pay the interest on said bonds, and, at the expiration of five years, shall also cause an annual assessment for a sinking fund, sufficient to redeem in five years the amount of bonds issued.

Interest.

County Commissioners.

SEC. 6. That the County Commissioners of any county which has issued bonds as aforesaid shall advertise for four consecutive weeks, for proposals to construct such bridges as have been specified in the vote, and contract with the lowest responsible bidders, requiring good security for the performance of their contract; payment to be made in said county bonds, at not less than par.

SEC. 7. Said bridges to be free to the public, and kept in repair by the road overseers within whose respective districts they are constructed.

Toll bridges

SEC. 8. That where toll bridges now exist, and the County Commissioners shall deem them good and substantial structures, they shall be authorized to purchase them with said county bonds, if they can do so for a less sum than they can contract for the building of new bridges, and said bridges shall be kept in repair the same as if built by the county.

SEC. 9. This act to be in force from and after its publication.

Approved, February 24, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XV.

COUNTIES TO TAKE STOCK IN RAILROAD COMPANIES, AND TO ISSUE BONDS.

AN ACT to authorize certain counties to subscribe to and take stock in certain Railroad Companies, and issue bonds therefor.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The counties of Atchison, Jefferson, Shawnee, and all other counties through or near which the proposed line or lines of the Atchison, Topeka and Santa Fe railroad and its branches shall pass, are each hereby empowered and authorized to subscribe and take stock in the Atchison, Topeka and Santa Fe railroad company, and to issue bonds for the same, not to exceed the amount of 200,000 dollars: *Provided, however*, That such stock shall not be so subscribed and taken by the said counties, or any of them, until the question shall be submitted to the voters of the said counties, respectively, and a majority vote obtained in favor thereof, at some general election: *And provided, further*, that the said Atchison, Topeka and Santa Fe railroad company shall report the issue of the bonds of said counties respectively, as herein provided for, to said company, issue to said counties an amount of full paid stock of said company, equal to the amount of the bonds of each county respectively.

Certain counties authorized to subscribe stock in railroad.

Proviso.

SEC. 2. Whenever any of the said counties shall determine to subscribe to the capital stock of the said railroad company, in the manner provided for in this act, and the amount of said subscription, it shall be the duty of the county commissioners of such counties respectively, to issue the bonds of the said counties to the amount of such authorized subscription, with coupons attached, which said bonds shall be made payable twenty years from date, and bearing interest at the rate of seven per cent. per annum, said interest payable semi-annually at the office of the county treasurer of said counties respectively; said bonds shall be signed by the chairman of the board of the County Commissioners, and countersigned by the clerk of said board, and shall have the seal of said counties respectively, attached thereto. Said bonds shall also specify

Bonds.

Interest.

to whom payable, the rate of interest, and time when the interest and principal shall be paid, and each bond so issued shall not be for a less sum than one thousand dollars.

Duty of county board.

SEC. 3. The board of County Commissioners of said counties are hereby authorized to take all necessary steps to secure the submission of the question of taking stock in said Atchison, Topeka and Santa Fe railroad company, as contemplated by this act, to the voters of their respective counties, and to do all other acts and things necessary to the carrying out of the provisions of this act.

SEC. 4. The boards of County Commissioners of said counties respectively, shall, after the issuance of bonds as provided for in this act, cause to be levied and collected each year, with the other taxes of said counties, a sufficient amount to pay the

Interest.

interest as the same accrues, on all bonds so issued under the provisions of this act, and they shall also levy and collect a tax sufficient to create a sinking fund for the final redemption of such bonds, which tax, when paid into the county treasury, shall be and remain a specific fund for said purpose only, and shall not be appropriated or used in any other way, except as hereinafter provided.

Tax to create a sinking fund to be invested.

SEC. 5. That the tax mentioned in the fourth section of this act, levied and collected to create a sinking fund for the final redemption of the bonds issued under this act, shall be invested annually, if the same can be done advantageously by and for the interest of the county, by the president of the board of County Commissioners, and the County Treasurer of the county in the bonds of the United States, and in the bonds of this State, at their market value on the New York Stock Exchange, or the bonds of said county, issued under the provisions of this act, at their lowest market value, but in no case shall the same be purchased at a higher price than their par value. Bonds of the United States and of this State so purchased, shall be held and retained by the County Treasurer until the principal of the bonds issued under this act shall become due, and shall then be disposed of at the highest market rates of the New York Stock Exchange, and the proceeds of the sale of such bonds purchased as aforesaid, shall be appropriated to the redemption of the bonds issued under this act,

but all bonds of the county purchased as aforesaid shall have "Cancelled" written across the face of the bonds, and of the remaining coupons, and the date of the cancellation shall be written on the face of the bonds so cancelled, and the cancelled bonds shall then be deposited with the County Commissioners' clerk.

Interest due to be paid—how.

SEC. 6. That whenever the interest on the bonds issued under the provisions of this act shall become due, the same shall be paid by the Treasurer of the county upon presentation of the proper coupons therefor at his office, and the coupons thus paid shall be cancelled and filed in the County Commissioners' clerk's office by the Treasurer.

Credit of county is pledged.

SEC. 7. The credit of the said counties is hereby pledged to the payment of the interest and principal of the bonds mentioned in this act, as the same may become due, except as provided in section six of this act, and it shall be the duty of the County Commissioners' clerk to register such bonds in a book provided for that purpose, which registry shall show the date, number, amount, and to whom is made payable each of said bonds.

Provis'ns extended to L., P. & Ft. Gibson Co.

SEC. 8. That the several counties of this State through which the Leavenworth, Lawrence and Fort Gibson railroad company, or its assigns, shall locate their main road or branches thereof, are hereby authorized and empowered to subscribe for and take stock in said railroad company, and issue bonds therefor in the same manner and to the same extent as the respective counties of Atchison, Jefferson, Shawnee and other counties are authorized and empowered to subscribe for and take stock in the Atchison, Topeka and Santa Fe railroad company, and issue bonds therefor, being governed therein in all respects by the provisions of this act.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XVI.

BONDS FOR JAIL FOR MORRIS COUNTY.

AN ACT to authorize Morris County to issue bonds to build a jail.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the county board of Commissioners of Morris county, Kansas, for the purpose of erecting a suitable jail in said county, be and they are hereby authorized to issue the bonds of said county, not exceeding in amount ten thousand dollars, or so much thereof as the commissioners aforesaid may deem necessary, in sums not less than ten dollars, which bonds shall have coupons attached, and shall draw interest from their date, at the rate of seven per cent. per annum, payable annually; and each bond shall be signed by the president and secretary of the board of Commissioners aforesaid, and countersigned by the Treasurer of said county, and shall specify to whom the same shall be made payable.

Bonds.

SEC. 2. The bonds issued under the first section of this act may be made payable at any time within ten years from this date, and may be negotiated at not less than ninety cents on the dollar.

When payable.

SEC. 3. Said board of County Commissioners shall levy annually such a per cent. on the taxable property in said county as shall be sufficient to pay the interest on all bonds issued under the provisions of this act, as the same accrues; also, to levy and collect, as other county tax shall be collected, a tax sufficient to create a sinking fund, for the final redemption of such bonds, which taxes, when paid into the treasury, shall be and remain a specific fund for said purposes only.

County board—duty of.

SEC. 4. As fast as money shall accumulate in the treasury, for the redemption of the bonds aforesaid, it shall be applied to the taking up of such bonds, in the order in which they may be presented by the holders thereof; and, in case no bonds shall be presented, the said board of Commissioners may call in and take up the same, and no bond shall draw interest after the said board of Commissioners shall have advertised, by three insertions in some newspaper having general circulation in said county, that they are ready to pay off the principal and interest of any bond designated in such advertisement.

Money—how applied.

SEC. 5. Whenever the interest on the above mentioned bonds shall become due, the same shall be paid by the Treasurer of said county, out of any money in the treasury for that purpose, and the coupons for the interest then due shall be taken up by said Treasurer, cancelled, and filed in his office. Coupons cancelled.

SEC. 6. The secretary of said board of Commissioners is hereby authorized, and it is made his duty, to obtain blank bonds, with suitable devices to prevent counterfeiting, and of such suitable material as he may deem proper. Duty of secretary of board.

SEC. 7. That all money realized by the said county of Morris from the sale of said bonds shall be applied exclusively to the construction of the jail as aforesaid. It shall be the duty of the secretary of the said board to register, in a book provided for that purpose, the bonds issued under the provisions of this act, which said registry shall show the date, number, amount and to whom payable, each of said bonds. Proceeds — how applied.

SEC. 8. Before issuing any bonds under the provisions of this act, the question of building a jail in said county shall be submitted to a vote of the people thereof, at the general election on the Tuesday succeeding the first Monday in November, 1864, and at a general election thereafter: *Provided*, a petition shall be presented to the county board of Commissioners, signed by not less than fifty voters, asking a vote on said question. Upon such petition being presented, the Commissioners aforesaid shall immediately give notice, by publication in any newspaper having general circulation in said county, and said election shall be conducted under the general election laws of this State, and those voting in favor of building a jail shall have written or printed on their ballots, "For the jail;" and those voting against the building of a jail shall have written or printed on their ballots, "Against the jail;" and, if a majority voting at such elections shall be in favor of building the jail, then said Commissioners may issue the bonds, as provided in this act. Submission.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XVII.

BONDING INDEBTEDNESS OF DONIPHAN COUNTY.

AN ACT to provide for bonding the indebtedness of Doniphan county.

Be it enacted by the Legislature of the State of Kansas:

Bonds may be issued.

SECTION 1. That twenty thousand dollars of the bonds of Doniphan county, with coupons attached, may be issued upon the order of the board of County Commissioners of said county, payable on the first day of January, A. D. 1879, and bearing interest at eight per cent. per annum, payable semi-annually at the office of the County Treasurer, which bond shall be signed by the chairman of the board of County Commissioners, and countersigned by the County Clerk, and have the seal of the county attached, and which bond shall specify to whom payable, the rate of interest, and time when the principal and interest shall be paid, and such bonds shall be issued in denominations of one hundred, five hundred or one thousand dollars.

Duty of County Clerk.

SEC. 2. It shall be the duty of the County Clerk to obtain suitable blanks for the bonds provided for in this act.

Persons having warrants may, &c

SEC. 3. Any person holding or owning any orders or warrants of said county, dated prior to January 1st, 1864, may immediately after the passage of this act, present the same to the board of County Commissioners of said county, at any meeting of the same, who are hereby authorized to cause bonds to be issued to said person as provided in the first section of this act, for the amount of principal and interest of said warrants, and said orders or warrants shall be taken up and cancelled, and said board may cause to be issued like bonds for the amount of any judgment against said county, satisfaction thereof to be entered of record, and none of the bonds mentioned in section one of this act shall be issued in any manner, or for any purpose except as specified in this section.

County board,—duty of.

SEC. 4. That the board of County Commissioners of said county shall cause to be levied and collected each year with the other taxes of the county, a sufficient amount to pay the interest, as the same accrues, on all bonds issued under the

provisions of this act, and also to levy and collect a tax sufficient to create a sinking fund for the final redemption of such bonds, which tax, when paid into the county treasury, shall be and remain a specific fund for such purpose only, and shall not be appropriated or used in any other way, except as hereinafter provided. Tax.

SEC. 5. That the tax mentioned in the fourth section of this act, levied and collected to create a sinking fund for the final redemption of the bonds issued under this act, shall be invested annually, if the same can be done advantageously to the county, by the board of County Commissioners, in bonds of the State of Kansas, or of the county, at their market value, but in no case shall the same be purchased at a higher rate than their par value. Bonds of the State so purchased shall be held and retained by the Treasurer until the principal of the bonds issued under this act shall become due, and shall then be disposed of at the highest market rate, and the proceeds of the sale of such bonds purchased as aforesaid, shall be appropriated to the redemption of the bonds issued under the provisions of this act, but all bonds of the county, purchased as aforesaid, shall have "Cancelled" written across the face of the bonds and the remaining coupons, and the date of the cancellation shall be written on the face of the bonds so cancelled, and the cancelled bonds shall be deposited with the County Clerk. Tax investment.

SEC. 6. That whenever the interest on any bonds issued under the provisions of this act shall become due, the same shall be paid by the Treasurer of the county, upon presentation of the proper coupons therefor, and matured coupons of such bonds shall be received in payment of all taxes levied by virtue of this act, and all coupons so paid or received for taxes, shall be cancelled and filed with the County Clerk. Coupons.

SEC. 7. The said county shall be responsible for the payment of the interest and principal of all bonds issued by virtue of this act, as the same may become due, and it shall be the duty of the County Clerk of said county to register such bonds in a book provided for that purpose, which registry shall show the date, number, amount, and to whom is made payable each of said bonds. Faith of county pledged.

SEC. 8. This act shall take effect and be in force from and after its publication, and it shall be the duty of the Secretary of State, immediately upon the approval of this act by the Governor, to have a certified copy published once in the *Topeka Tribune*, which shall constitute such publication.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 4, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XVIII.

STATE AUDITOR TO RETURN CERTAIN COUNTY BONDS.

AN ACT directing the State Auditor to return certain county bonds.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the State Auditor be and he is hereby directed to return to the County Clerks of the counties of Bourbon, Davis and Nemaha all the bonds of said counties, which were issued by said counties in pursuance of an act entitled "An act to require certain counties to levy, collect and pay over delinquent Territorial taxes," approved February twenty-fourth, 1863, and which are now in the State Auditor's office.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XIX.

SCHOOL DISTRICTS TO ISSUE BONDS.

AN ACT to authorize school districts to issue bonds.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The district board of any school district in the State of Kansas, for the purpose of building school houses in said districts, are hereby authorized to issue the bonds of said school districts, not exceeding in amount two thousand dollars, or so much thereof as the district board in any of the aforesaid school districts may deem necessary, in sums not less than ten dollars, which bonds shall draw interest from their date at the rate of seven per cent. per annum, payable annually, and each bond shall be signed by the district director, attested by the clerk, and countersigned by the treasurer of said school district, and shall specify thereon to whom the same shall be made payable: *Provided*, that no bonds shall be issued in accordance with the provisions of this act, by any school district, unless first approved by a vote of two-thirds of the qualified electors of said school district, at any regular school meeting, or at a special meeting called for that purpose. Bonds.

SEC. 2. The bonds issued under the first section of this act may be made payable at any time within ten years from their date, and may be negotiated by the said district board at not less than ninety cents on the dollar. When payable.

SEC. 3. Said district boards shall levy annually such a per cent. on the taxable property in said district as shall be sufficient to pay the interest on all bonds issued under the provisions of this act, as the same accrues; also, to levy and collect, as other school tax shall be collected, a tax sufficient to create a sinking fund for the final redemption of such bonds, which taxes, when paid into the treasury, shall be and remain a specific fund for said purposes only. Interest & sinking fund.

SEC. 4. As fast as money shall accumulate in the treasury, for the redemption of the aforesaid bonds, it shall be applied to the taking up of such bonds, in the order in which they may be presented by the holders thereof; and, in case no Interest.

bonds shall be presented, the board of directors may call in and take up the same, and no bonds shall draw interest after the district board shall have advertised, by three insertions in the nearest newspaper published to their district, if there shall be no newspaper published in the district, that they are ready to pay off the interest and principal of any bond designated in such advertisement.

Duty of district treasurer.

SEC. 5. Whenever the interest on the above mentioned bonds shall become due, the same shall be paid by the Treasurer of the said district board, out of any moneys in the treasury for that purpose, upon presentation to him of the said bonds, and he shall designate on the back of each bond, concisely, the amount of interest paid and the date of payment, and shall enter the same in a book to be kept by him for that purpose.

SEC. 6. All moneys collected by the County Treasurer under the provisions of this act shall be paid over to the treasurer of the district board, on demand, who shall give his receipt for the same.

Approved, January 27, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XX.

BOARDS OF EDUCATION TO BORROW MONEY AND ISSUE BONDS.

AN ACT supplemental to an act entitled "An act to incorporate cities of the State of Kansas," approved March 4, 1862, and authorizing the board of education to issue bonds to purchase school sites and erect buildings thereon.

Be it enacted by the Legislature of the State of Kansas:

Borrow on bonds.

SECTION 1. That whenever it shall be necessary to raise funds to purchase a school site or sites, and erect and furnish a suitable building or buildings thereon, it shall be lawful for the board of education of every city coming within the provisions of this act, to borrow money upon bonds which they

are hereby authorized and empowered to issue to the amount of twenty-five thousand dollars, bearing a rate of interest not exceeding seven per centum per annum, payable semi-annually at such place as may be mentioned upon the face of said bond, which loan shall be paid and reimbursed in fifteen years from the time when the same is negotiated, and the board of education is hereby authorized and empowered to sell such bonds: *Provided, however*, that no bonds shall be sold for less than one hundred cents on the dollar, and that the proceeds arising from the sale thereof shall be paid directly into the city treasury, subject to the order of the said board of education.

SEC. 2. The bonds, the issuance of which is provided for in section first of this act, shall be signed by the treasurer, and countersigned by the president and secretary of the board of education, and said bonds shall specify the rate of interest, and the time when principal and interest shall be paid, and each bond so issued shall not be for a less sum than fifty dollars. Bonds—how signed.

SEC. 3. The board of education, in its annual estimate, as provided in section thirteen of article four of the act to which this is supplementary, shall include a sufficient amount to pay the interest as the same accrues, on all bonds issued under the provisions of this act; and also to create a sinking fund for the redemption of said bonds; and said amount of funds, when paid into the city treasury, shall be and remain a specific fund for said purpose only, and shall not be appropripriated in any other way, except as hereinafter provided. Interest & sinking fund.

SEC. 4. All moneys raised for the purpose of creating a sinking fund, for the final redemption of all bonds issued under this act, shall be invested annually by the treasurer of the board of education in bonds of the United States, and in bonds of the State of Kansas, on which the interest is paid promptly and regularly, and which bonds he shall procure at as low rates as the same can be purchased; which bonds shall be held and retained until the principal of the bonds issued under this act shall become due, and shall then be disposed of at the highest market rates, and the proceeds of the sale of such United States or other bonds, purchased as aforesaid, shall be appropriated to the redemption of the bonds issued under this act. Investment.

Interest.

SEC. 5. That whenever the interest of the above mentioned bonds shall become due, the same shall be paid by the treasurer of the board of education, and a proper receipt taken for the same.

Blank bonds.

SEC. 6. That the treasurer of the board of education is hereby authorized, and it is made his duty, to obtain blank bonds, with suitable devices, to prevent counterfeiting.

SEC. 7. The credit of the school fund of such city is hereby pledged to the payment of the interest and principal of the bonds mentioned in this act, as the same may become due.

Duty of secretary of board.

SEC. 8. It shall be the duty of the secretary of the board of education to register, in a book provided for that purpose, the bonds issued under this act, which said registry shall show the number, date, and amount, and to whom is made payable each of said bonds.

SEC. 9. This act shall take effect and be in force from and after its publication once in the *Leavenworth Daily Bulletin*.

Approved, February 20, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Leavenworth Daily Bulletin*, for February 24, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XXI.

BINDING OF STATE VOLUMES.

AN ACT relating to the binding of the laws and journals of both Houses of the Legislature and volume of public documents.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 22 of an act entitled "An act to provide for the State printing," passed May, 1861, be amended so as to read as follows: "SEC. 22. The contractor for the printing of bills, resolutions, or other matter to be printed in bill

form, shall promptly and without delay execute all orders of the Legislature, or either branch thereof, for the printing of all bills and resolutions; and, for each and every failure to complete said printing within twenty-four hours after receiving the order for the same, the contractor shall forfeit and pay a penalty of ten dollars, to be deducted from his account at settlement, and all contractors under the provisions of this act shall promptly and without delay execute all orders to them issued by the Legislature, or either branch thereof, or the executive officers of the State; and the laws and journals shall be printed and delivered to the contractor for the folding, stitching and binding, on the order of the Secretary of State, within twenty days after the adjournment of the Legislature, and said contractor shall, within twenty days after the receipt thereof, execute the folding, stitching and binding, and deliver to said Secretary of State the volumes so bound, under the penalty of a forfeiture of their bonds. And the volume of public documents shall be printed and delivered to the contractor for folding, stitching and binding, on the order of the Secretary of State, within five days after copy is furnished to the contractor for printing the same, and said contractor for folding, stitching and binding shall, within five days after the receipt thereof, execute the folding, stitching and binding, and deliver to said Secretary of State the volumes so folded, stitched or bound, under a penalty of a forfeiture of their bonds: *Provided*, that the Secretary of State, Auditor and Treasurer may, on good cause shown by either of the contractors, extend the time, not exceeding ten days, for the execution of their several contracts relating to the laws and journals, but shall grant no such extension in regard to the volume of public documents.

SEC. 2. That section twenty-two (22) of an act entitled "An act to provide for the State printing," passed May, 1861, be and the same is hereby repealed.

Approved, February 9, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XXII.

EASTERN BOUNDARY LINE OF MORRIS COUNTY.

AN ACT to establish the eastern boundary line of Morris county.

Be it enacted by the Legislature of the State of Kansas:

Change of line.

SECTION 1. That the range line between range nine (9) and ten (10) shall be and is hereby established as the eastern boundary line of Morris county.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved, February 16, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XXIII.

EASTERN BOUNDARY OF DICKINSON COUNTY.

AN ACT to establish the eastern boundary of Dickinson county.

Be it enacted by the Legislature of the State of Kansas:

Eastern bound'y.

SECTION 1. That the eastern boundary of Dickinson county shall be known and described as follows, to wit:

Lines changed.

SEC. 2. Commencing at the southeast corner of township No. sixteen (16), south of range four (4), east, thence north on range line between four (4) and five (5), to the southwest corner of section No. nineteen (19), township No. fourteen (14), range No. five (5), east; thence east on section line between 19, 20, 29, 30, to the southeast corner of section No. twenty (20), township No. fourteen (14), range five (5), east; thence north on section line, commencing at the southeast corner of section No. twenty (20), to the township line between fourteen and thirteen; thence west on township line to range line between four and five; thence north on range line to Smoky Hill river;

thence west, (Smoky Hill river being the boundary), two (2) miles; thence due north on section line to the second (2d) standard parallel, making the western boundary line of Davis, the eastern boundary of Dickinson.

SEC. 3. All acts and parts of acts conflicting with this act, are hereby repealed. Repeal.

SEC. 4. This act shall be in force and effect from and after its passage.

Approved, February 16, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XXIV.

WESTERN BOUNDARY OF DAVIS COUNTY.

AN ACT to establish the western boundary of the county of Davis.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the western boundary of the county of Davis be established as follows: Commencing at the northwest corner of Davis county, being the northwest corner of township eleven, range five, east, and on the second standard parallel; thence due west on said parallel two miles to the section line between sections two and three, in township eleven, range four, east; thence due south on said section line, to the Smoky Hill river; thence down said river to the township line between ranges four and five, east; thence south on the said township line to the southern boundary of the county. Change of lines.

SEC. 2. That this act take effect and be in force from and after its passage.

Approved, February 17, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XXV.

BOUNDARIES OF BUTLER AND CHASE COUNTIES.

AN ACT defining the boundaries of Butler and Chase counties.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the county of Butler shall be bounded as follows: Commencing at the northwest corner of township twenty-two (22), range one (1) east; thence south, on the sixth principal meridian, to the southern boundary of the State; thence east, on said line, to range line between ranges nine (9) and ten (10) east; thence north, on said line, to the northeast corner of township twenty-three (23); thence west, to the northeast corner of township twenty-three (23) range five (5) east; thence north, to the northeast corner of township twenty-two (22), range five (5) east; thence west, to the place of beginning.

SEC. 2. The southern boundary of the county of Chase is hereby extended to the northern boundary of the county of Butler.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, February 24, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XXVI.

PROTECTION OF BRIDGES.

AN ACT for the protection of bridges.

Be it enacted by the Legislature of the State of Kansas:

Township trustees.

SECTION 1. That it shall be the duty of the township trustees of the several townships in each county of this State, to cause to be put up and kept in good repair, at each end of each and every bridge, upon any highway in their respective townships,

of a span of not less than twenty-five feet, a notice which shall be painted in conspicuous letters with the following words, viz.: Five dollars fine for riding or driving over this bridge faster than a walk.

SEC. 2. That it shall be unlawful for any person or persons to ride or drive any horse, ass, mule or ox over any such bridge upon any highway in this State, faster than a walk, and any person who shall so unlawfully ride or drive over such bridge, upon conviction thereof before a justice of the peace, shall pay the sum of five dollars and costs of suit, in recovering the same; which sum shall be paid into the school fund of the proper county, to be recovered in a civil action before any justice of the peace of the proper county. Penalty.

SEC. 3. This act to take effect and be in force in sixty days after the publication thereof in the *Topeka Tribune*.

Approved, February 22, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for February 27, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XXVII.

BONDS FOR BUILDING A BRIDGE.

AN ACT to authorize the Board of County Commissioners of Shawnee county to issue Bonds for the purpose of building a bridge across the Kansas river.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the board of County Commissioners of Shawnee county are hereby authorized and empowered to issue the bonds of said county for any sum or sums not exceeding sixty thousand dollars, and to negotiate a loan or loans thereon, for

the purpose of building a bridge across the Kansas river, or of taking stock in any corporation now existing, or which may hereafter exist, and having for its purpose the bridging of said river at or near the city of Topeka, in said county: *Provided, however*, that said bonds shall not be negotiated at a price less than ninety cents on the dollar, nor be drawn for a greater rate of interest than ten per centum per annum; and *Provided, also*, that said bonds shall not be issued in a greater sum than fifteen thousand dollars, except upon a majority vote of the voters of said county, voting upon such proposition at any general or special election, at which said election the question of such issue of bonds shall have been submitted by the board of County Commissioners, and no more bonds shall be issued than are authorized by such vote.

SEC. 2. The bonds herein provided for shall be issued in sums of one hundred dollars, payable in twenty years from the date thereof, with interest semi-annually, said interest to be paid at the office of the treasurer of the said county.

SEC. 3. The said board of Commissioners shall also, after the expiration of ten years, levy and collect a tax sufficient to create a sinking fund for the final redemption of such bonds, which taxes, when paid into the county treasury, shall be and remain a special fund for said purpose only, except as hereinafter provided.

SEC. 4. The tax aforesaid, levied and collected to create a sinking fund for the final redemption of the bonds issued under this act, may be applied by the said board, as the same shall be collected, to the redemption of said bonds, at a price not above the par value thereof.

SEC. 5. Whenever there shall have been collected a sufficient amount, as aforesaid, to redeem one or more of said bonds, the said board may give sixty days notice, by publication in some newspaper printed at the county seat, that they are ready to redeem such bonds, designating the same by numbers, and the place of redemption, and if such bonds are not presented for redemption within thirty days after the completion of such publication the interest on the same shall then forever cease.

SEC. 6. Said bonds and coupons of the same shall, after maturity, be received by the county treasurer in payment of county taxes.

SEC. 7. On any bridge, in the construction of which said bonds or the proceeds thereof shall be used, such toll may be collected as the board of Commissioners of said county shall prescribe, and all nett profits arising from such tolls or otherwise, to said county, shall be applied in the payment of coupons of said bonds, and the surplus, if any, to the redemption or purchase of said bonds, at a price not exceeding the par value thereof; and, for the payment of any excess of interest on said bonds over and above the profits so derived, the said board shall annually levy and collect a tax sufficient to pay; and the said board shall appoint the collector of tolls on said bridge, and regulate his compensation, and may remove said collector at their discretion.

SEC. 8. None of the said bonds or of the proceeds thereof shall be appropriated to or used for any other purpose than building a bridge across the Kansas river, at or near the city of Topeka, or for the purpose of taking stock in some corporation organized or formed for the purpose of constructing said bridge; and any officer or person who shall violate the provisions of this section shall, on conviction thereof, be fined in a sum not less than the amount thus misappropriated or used contrary to the provisions of this act, and be imprisoned in the penitentiary not less than one year: *Provided, however*, that the proceeds of said bonds may be used in the redemption of said bonds and their coupons, if a majority of the voters of said county, at some general or special election, shall so determine the question of so using said bonds or proceeds thereof, upon a submission of such question to the voters of said county of Shawnee by the board of County Commissioners thereof.

SEC. 9. An act to authorize the board of County Commissioners of Shawnee county to issue bonds for the purpose of building a bridge across the Kansas river, approved February 10, 1864, is hereby repealed.

SEC. 10. This act shall take effect and be in force from and after its publication in the *Topeka Tribune*, and it shall be the duty of the Secretary of State, immediately after its approval by the Governor, to cause publication.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 4, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XXVIII.

RAILROAD BRIDGES AND FERRIES.

AN ACT to authorize railroad companies of the States of Missouri and Kansas to construct bridges and maintain ferries across the Missouri river.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That any railroad company in the States of Missouri and Kansas, running to the Missouri river, dividing the State of Missouri from the State of Kansas, shall have the right to construct bridges and maintain ferries across the Missouri river. Said companies shall construct the necessary draws to said bridges, so as not to interfere with the navigation of the river, but such bridges and ferries shall not be used for any other purpose than for the crossing of freight and passengers transported on said road.

SEC. 2. This act shall take effect and be in force from and after its publication.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XXIX.

BRIDGES OVER THE KANSAS RIVER.

AN ACT to encourage the construction of bridges over the Kansas river, within the county of Wyandotte.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That any person or persons now owning or operating a ferry over the Kansas river, within the county of Wyandotte, under a charter granted by the Legislature of the Territory of Kansas, may construct a bridge over said Kansas river, within said county of Wyandotte, at any place where such person or persons have the right of operating such ferry, and may make any contract, and may do any act necessary to enable such persons to construct such bridge: *Provided*, such bridge be commenced within six months, and completed within eighteen months after the passage of this act.

SEC. 2. Provided such person or persons shall complete and finish such bridge within the time prescribed in this act, such person shall have the right to operate such bridge and take tolls on the same, and no other person or company shall build or establish any other bridge or ferry within two miles thereof, within eighteen years from the completion of such bridge.

SEC. 3. As soon as such bridge shall have been completed and finished, as prescribed in this act, it shall be the duty of the county tribunal transacting business in and for said county, before any toll is taken on such bridge, to fix and establish the rates of toll to be taken on the same, which rates of toll shall be printed in a plain and legible manner upon a board, and kept in a conspicuous place upon such bridge; and if any person operating such bridge shall demand and receive any greater rate of toll than the rate established by said county tribunal, such person shall be subject to a fine of ten dollars.

SEC. 4. At the expiration of five years from and after the completion of such bridge, and within one year therefrom, the county of Wyandotte shall have the exclusive right and privilege to purchase from any person or persons owning such bridge, all their right, title, interest and privileges of whatsoever nature, in and to such bridge, with all the appurtenances and

hereditaments thereunto belonging, for the sole use and benefit of the said county of Wyandotte.

Duty of county board.

SEC. 5. It shall be the duty of the board of County Commissioners of said county of Wyandotte to notify the people of said county one year preceding the expiration of said five years mentioned in the preceding section, that at the next ensuing general election in said county, the following question shall be submitted to a vote of the people of said county, viz: Shall the county of Wyandotte purchase such bridge as mentioned in the preceding section? and if a majority of the votes cast at said election shall be in favor of such purchase, it shall be the duty of said board of County Commissioners, within ten days thereafter, to select one disinterested person, and said board shall also notify the owners of such bridge, or their agent, to select another such disinterested person within ten days, and said two persons shall select a third disinterested person, and when thus selected, it shall be the duty of such appraisers to proceed immediately and appraise such bridge, and all the appurtenances and hereditaments as aforesaid, thereunto belonging, and shall fix and establish the price to be paid for the same by said county of Wyandotte to said owner thereof; and as soon as said appraisement shall have been made, said appraisers shall notify said Commissioners and said owners of the same, in writing, stating the price fixed by said appraisers for the purchase and sale of such bridge, all of which shall be binding upon said Commissioners and said owners thereof.

SEC. 6. It shall be the duty of said County Commissioners, within ninety days from and after the making of said appraisement, to pay to said owners of said bridge the price fixed by said appraisement, and immediately thereupon said owners of said bridge shall be bound in law to make and deliver to said county of Wyandotte a good and valid deed of conveyance of all their right, title and interest in and to such bridge, with all the appurtenances and hereditaments thereunto belonging.

Majority of votes necessary.

SEC. 7. Provided a majority of votes cast at said election shall be against the purchase of such bridge, or provided that said Commissioners hall not comply with the provisions of this act within said ninety days, as prescribed in section six of this act, then, and in either of said events, said county

of Wyandotte shall forever abandon all rights and privileges of purchase of such bridge given to said county by this act, and shall have no claim of purchase whatsoever to such bridge, but the same shall have ceased forever.

SEC. 8. Sections 26, 27, 28, 29, 30, 31, 32 and 33, of an act entitled "An act to enable the trustees of colleges, academies, universities and other institutions, societies and companies to become bodies corporate," shall have no application whatsoever to any person or companies mentioned in this act, or authorized to build such bridge under the provisions of this act.

SEC. 9. This act shall be in force from and after its publication in the *Topeka Tribune*.

Approved, February 25, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for February 27, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XXX.

DUTIES OF COUNTY AND TOWNSHIP OFFICERS.

AN ACT to repeal an act respecting the duties of county and township officers.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That an act respecting the duties of county and township officers, approved February 27, 1860, be and the same is hereby repealed. Repeal.

Approved, February 1, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XXXI.

ELECTION AND DUTIES OF COUNTY ATTORNEYS.

AN ACT to provide for the election of County Attorneys, and prescribing their duties.

Be it enacted by the Legislature of the State of Kansas:

When elected.

SECTION 1. That there shall hereafter be elected in each county of this State, organized for judicial purposes, by the qualified electors of the county, on the Tuesday succeeding the first Monday of November, in the year eighteen hundred and sixty-four, and biennially thereafter, in the same manner as other State and county officers are elected, one County Attorney, whose term of office shall commence on the second Monday of January next, after his election, and he shall hold his office for the term of two years, and until his successor shall be elected and qualified.

Duty of.

SEC. 2. That it shall be the duty of said County Attorney, and of each District Attorney now in office in this State, to appear in the several courts of their respective counties, and prosecute or defend, on behalf of the State, all complaints, suits and controversies in which the State shall be a party, and such other suits, matters and controversies as shall be directed by law, and to pay over forthwith to the County Treasurer all moneys belonging to said county, which he has or may hereafter collect, or which may come into his hands, by way of fines, forfeitures, costs or otherwise, and take the Treasurer's duplicate receipts therefor, one of which he shall file with the County Clerk of his proper county; and, upon failure to pay over said moneys, as herein required, said County Attorney shall be removed from office, in manner as prescribed in the eighth section of this act.

Pay over to Co. Treasurer.

Shall file with County Clerk.

SEC. 3. That each and every County Attorney hereafter elected under the provisions of this act shall, before entering upon the duties of his office, take an oath or affirmation to support the constitution of the United States and of the State of Kansas, and faithfully and impartially to discharge the duties of his office, which said oath or affirmation may be administered by any Judge of the District Court of this

Oath of office.

State, or by the Probate Judge of the county in which he is elected; and said County Attorney shall, before entering upon the duties of his office, give bond, with sufficient sureties, to be approved by the board of County Commissioners, to the State of Kansas, in any sum not less than two thousand dollars, conditioned that he will, according to the best of his skill and abilities, faithfully discharge all duties enjoined on him by law, and also that he will honestly and faithfully pay over all moneys by him received as such County Attorney, in the manner directed by law, which said bond shall be filed with the County Clerk.

To be approved—how.

SEC. 4. That the County Attorney for each county in this State shall receive such compensation for his services as shall be allowed by the Judge of the District Court of the county wherein such services shall be rendered; the amount of such services, in both civil and criminal business pertaining to his office, to be determined by the Judge of the District Court, at each and every term of said court in said county. All of the allowances made by the court to County Attorneys, contemplated by this act, to be paid out of the county treasury, on the order of the County Clerk; and the County Attorney shall be allowed ten per cent. on all moneys collected by him.

Compensation.

SEC. 5. That it shall be the duty of the County Clerk, whenever any officer of his county shall be elected or appointed, who is required to give bond for the discharge of his duties, to call upon the County Attorney of his county to attend to the same, and it shall be the duty of said County Attorney, upon such summons, to prepare the proper bonds, in legal form, to examine and take special care that the forms of the same, together with the acceptance by the proper authorities, the signing and sealing thereof, and all the endorsements thereon, are in conformity to law; and the bond of no county officer shall be accepted and approved by the authority authorized to approve and accept the same, until said bond has been seen and inspected by the County Attorney of the proper county; and the County Commissioners shall annually make such allowance to the County Attorney for his services under this section as they shall deem just and reasonable.

Duty of County Clerk.

SEC. 6. That, on the application of any County Attorney,

during the term of the District Court, the court may, if they think necessary, appoint an assistant County Attorney, for whose services the court shall make such allowance as they shall deem just and reasonable, to be paid out of the county treasury, on the order of the County Clerk.

May appoint an assistant.

SEC. 7. That, if the office of County Attorney, in any county of this State, shall at any time become vacant, by death, disability, removal or resignation, or from any other cause whatever, the Judge of the District Court shall appoint a special County Attorney, who shall be qualified and give bond, as required by the third section of this act, and the said special County Attorney shall hold his office until the proper County Attorney shall resume his duties, and, in case of death, resignation or removal from office, or removal out of the county, until the next November election succeeding his appointment, and until his successor shall be elected and qualified; and he shall perform the same duties and receive the same compensation as is pointed out and provided for by this act.

Vacancy, & how filled.

SEC. 8. That it shall be the duty of the District Court in the several counties of this State, upon complaint in writing, in due form of law, signed by the person or persons making such complaint, and containing distinct charges and specifications against the County Attorney of said county, for a wanton and willful neglect of his duty, or other misconduct in office, as County Attorney, for said court to cause such complaint to be filed and entered upon their docket, and notice thereof to be given to the County Attorney so charged, and upon the answer thereto of said County Attorney, to be filed within a reasonable time, such as the court shall fix and limit, to proceed to hear the evidence in relation thereto; and if it shall appear to the satisfaction of said court that the County Attorney thus charged has wantonly and willfully neglected to perform his duties, as required by law, or has been guilty of any misconduct in office whatever, the court shall, at the cost of said County Attorney, remove him from office, and shall forthwith proceed to appoint another to fill the vacancy until the next annual election; but if the court shall, upon hearing, be of opinion that said County Attorney is not guilty, then the court shall enter up judgment for costs, against the person or

Complaints—how made.

persons making such complaint, to be recorded as upon judgment at law.

Eligibility.

SEC. 9. That no person shall be eligible as a candidate for, or be elected to, the office of County Attorney, who is not an attorney and counselor at law, duly licensed to practice in the State, and no County Treasurer, County Clerk, County Surveyor, Sheriff or Clerk of the District Court shall be eligible as a candidate for, or be elected to the said office of County Attorney.

No fees, except allowed by law.

SEC. 10. No County Attorney shall receive any fee or reward from or on behalf of any prosecutor or other individuals, except such as are allowed by law, for services in any prosecution or business to which it shall be his official duty to attend, nor be concerned as attorney or counsel for either party other than the State or county in any civil action depending upon the same state of facts upon which any criminal prosecution, commenced, but undetermined, shall depend.

Co. Attorney ex officio legal adviser of Co. board.

SEC. 11. The County Attorney shall be, *ex officio*, the legal adviser of the board of County Commissioners and other civil officers of their respective counties, and, when requested by such board or officers, shall, without compensation, give his opinions and advice to the said board of County Commissioners and other civil officers, upon all matters in which the county is interested, or relating to the duties of such board or officers, in which the State or county may have an interest.

Shall attend gr'd juries when so required.

SEC. 12. Whenever required by the grand jury of any court sitting within his county, it shall be the duty of the County Attorney to attend them, for the purpose of examining witnesses in their presence, or of giving them advice in any legal matter, and to issue subpœnas and other processes to bring up witnesses, and to draw up bills of indictment.

Shall appear on behalf of State when requested by any magistrate.

SEC. 13. Each and every County Attorney shall, when requested by any magistrate of his county, appear on behalf of the State, before said magistrate, and prosecute all complaints made in behalf of the State, of which such magistrate shall have exclusive jurisdiction, and, upon like request, shall appear before such magistrate, and conduct any criminal examination which may be had before such magistrate, and shall also prosecute and defend all civil suits before such magistrate

in which the county is a party or interested, and shall receive a fee of two dollars and fifty cents.

County Attorney to issue subpœnas.

SEC. 14. The several County Attorneys are hereby authorized to issue subpœnas, to be attested by the clerk of the court, to compel the attendance of witnesses before a grand jury of said county, or in any criminal action to be tried in said court.

May appoint deputies.

SEC. 15. The County Attorney may appoint a deputy, who shall perform all the duties of such County Attorney during his absence or sickness.

Repeal.

SEC. 16. That the act entitled "An act providing for the election of District Attorneys, and defining their duties," approved June 4, 1861, and also sections 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67 of an act entitled "An act relating to counties and county officers," approved February 25, 1860, be and the same are hereby repealed: *Provided*, that all District Attorneys in office at the time of the passage of this act shall continue in office for the same term for which they were elected, and shall have the same fees as heretofore provided by law.

SEC. 17. That this act shall take effect and be in force from and after its publication in the statute book.

Approved, February 12, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XXXII.

RESTRAINING THE POWERS OF COUNTY COMMISSIONERS.

AN ACT restraining the powers of County Commissioners.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. It shall be unlawful for any board of Commissioners to proceed to build any permanent county buildings, or assess any tax for that purpose without submitting the question to a vote of the electors of the county, at some general election; shall be governed and returns thereof made in accordance with the laws governing the election of county officers.

The ballots used at said election shall be written or printed the words "For building public buildings," or "Against public buildings."

SEC. 2. Any board of County Commissioners violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall pay a fine of not less than one thousand nor more than five thousand dollars.

SEC. 3. This act shall take effect and be in force from and after its publication, and it shall be the duty of the Secretary of State, immediately after the approval of this act, to cause it to be published once in the *Topeka Tribune*, which shall constitute such publication.

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 1, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XXXIII.

POWER OF COUNTY COMMISSIONERS.

AN ACT restraining the power of County Commissioners.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. It shall be unlawful for any board of County Commissioners to proceed to build any permanent county buildings, or assess any tax for that purpose, without first submitting the question to a vote of the electors of the county, at some general election, and said election shall be governed and returns thereof made in accordance with the laws governing the election of county officers. The ballots used at said election shall be written or printed the words, "For building public buildings," "Against building public buildings."

SEC. 2. Any board of County Commissioners violating the provisions of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall pay a fine of not less than one thousand nor more than five thousand dollars.

SEC. 3. This act shall take effect and be in force from and after its publication, and it shall be the duty of the Secretary of State immediately upon the approval of this act, to cause it to be published once in the *Topeka Tribune*, which shall constitute such publication.

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 1, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XXXIV.

STOCK RUNNING AT LARGE IN THE NIGHT-TIME.

AN ACT authorizing County Commissioners, under certain circumstances, to issue an order prohibiting stock from running at large in the night-time.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That whenever a majority of the qualified electors in any one of the counties of this State, shall, by petition, ask the board of County Commissioners of such county, to make and order that all persons owning domestic animals of any kind therein to be specified, shall keep them confined in the night-time, for a certain portion of the year, to be specified in such petition, the said board of Commissioners shall make such order under their hands, and [cause the same to be entered upon the journal or record of their proceedings, and they shall also cause a certified copy thereof to be published

When voters petition, duty of Co. board.

in some newspaper published in the county, for three weeks, or in case no paper shall be published therein, then by causing written or printed copies thereof to be posted in at least three public places in each township within the county, for three weeks before such order shall take effect; and such order shall continue in force from year to year, according to the tenor thereof, which shall be in conformity with such petition, until the same shall be vacated or modified by such board.

SEC. 2. That whenever the number of electors of the proper county subscribing such petition or petitions shall be at least three-fifths of the number of votes polled in such county at the last general election, such number shall be considered conclusive as to a majority of the qualified electors in the county, and an affidavit shall be appended to each petition by some competent witness, setting forth that the several petitioners are qualified electors of the county, and themselves subscribed the same personally or by their authorized agents, naming such agents.

Three-fifths electors required.

SEC. 3. That the owners of domestic animals so required to be confined in the night-time, shall be liable to any person who shall suffer damage from the depredations of such animals during the night-time, for the period that such animals shall be required to be confined by the order above provided for, without regard to condition of his fence, and the person so damaged shall have lien upon said stock for the amount of damage done, and all costs of proceedings to recover the same.

Damages assess'd.

SEC. 4. This act shall take effect and be in force from and after its publication in the statute book.

Approved, February 27, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XXXV.

COMMISSIONERS TO LOCATE STATE ASYLUM FOR THE BLIND.

AN ACT to provide for the appointment of Commissioners to locate the State Asylum for the blind, and to define the duties and fix the compensation of said Commissioners.

Be it enacted by the Legislature of the State of Kansas:

Commissioners appointed.

SECTION 1. That Henry McBride, of Johnson county, and Fielding Johnson and Byron Judd, of Wyandotte county, of the State of Kansas, be and they are hereby appointed Commissioners to fix and determine the location of the State asylum for the blind, for the State of Kansas.

To meet when and where.

SEC. 2. That said Commissioners shall meet at the city of Wyandotte, within six months after the approval of this act, and take the oath of office to faithfully discharge their duties as such Commissioners.

Vacancy.

SEC. 3. That any vacancy occurring through the failure or refusal to qualify of either of said Commissioners in the manner herein prescribed, or from any other cause, such vacancy shall be filled by appointment of the Governor.

To locate.

SEC. 4. Said Commissioners shall locate the asylum for the blind at some point within the county of Wyandotte, and for that purpose they shall select a tract of land, not less than ten acres, affording, if practicable, building stone, water, and other facilities for the erection of suitable buildings for a State asylum for the blind, and secure the title of the land in fee simple to the State, by donation, within twelve months after the passage of this act.

Compensation.

SEC. 5. Said Commissioners shall receive three dollars per day as compensation for their services, during the time actually employed, together with their necessary expenses, and upon their furnishing the proper vouchers their accounts shall be audited and allowed by the Auditor of State, and he shall thereupon issue warrants on the State Treasurer for the amount so allowed.

SEC. 6. This act shall take effect and be in force from and after its publication in the statutes.

Approved, February 27, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XXXVI.

WYANDOTTE COUNTY TO SUBSCRIBE STOCK.

AN ACT to authorize the county of Wyandotte to subscribe stock in the Union Pacific Railway Company, Eastern Division.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The county of Wyandotte is authorized to subscribe one hundred thousand dollars stock in the Union Pacific Railway Company, eastern division.

SEC. 2. The County Commissioners of the county of Wyandotte shall issue one hundred thousand dollars of the bonds of said county, with coupons attached, to be signed by the president of the board of County Commissioners, payable twenty years from date, and bearing interest at the rate of seven per cent. per annum, payable semi-annually at the office of the County Treasurer of the county of Wyandotte, which bonds shall be signed by the president of the board of County Commissioners of said county, and countersigned by the clerk of said board, and the seal of the county attached, and which bonds shall specify to whom payable, the rate of interest, and time when the principal and interest shall be paid, and each bond so issued shall not be for a less sum than one thousand dollars: *Provided*, that the Union Pacific Railway Company shall issue to the county of Wyandotte one hundred thousand dollars of full paid stock of the Union Pacific Railway Company, eastern division, and construct a railroad or branch from the main line of the Union Pacific Railway, on the north side of the Kansas river, to and across the levee in the city of Wyandotte and county aforesaid, to the Missouri river: *And provided, further*, that the Union Pacific Railway Company shall pay all the interest that may accrue or become due on the bonds issued by the county of Wyandotte as provided for in this act, on or before the first day of March, A. D. 1867: *Provided, also*, that the Union Pacific Railway Company shall comply with the provisions and stipulations of a lease given by the city of Wyandotte to the Union Pacific Railway Company, on a tract of land on the levee in said city, for depot grounds and other purposes.

SEC. 3. The president of the board of County Commissioners of the county of Wyandotte is hereby authorized and directed to obtain suitable blank bonds to be issued as provided for in this act.

Tax levied.

SEC. 4. The County Commissioners of the county of Wyandotte shall cause to levy and collect each year, from and after the 1st of January, 1867, with the other taxes of the county, a sufficient amount to pay the interest as the same accrues on all bonds issued under the provisions of this act; and also to levy and collect a tax sufficient to create a sinking fund for the final redemption of such bonds, which, tax, when paid into the county treasury, shall be and remain a specific fund for said purpose only, and shall not be appropriated or used in any other way, except as hereinafter provided.

Sinking fund.

SEC. 5. That the tax mentioned in the fourth section of this act, levied and collected to create a sinking fund for the final redemption of the bonds issued under this act, shall be invested annually, if the same can be done advantageously by and for the interest of the county, by the president of the board of County Commissioners, and the County Treasurer of the county, in the bonds of the United States, and in the bonds of this State, at their market value on the New York Stock Exchange, or the bonds of said county, issued under the provisions of this act, at their lowest market value, but in no case shall the same be purchased at a higher price than their par value. Bonds of the United States and of this State, so purchased, shall be held and retained by the County Treasurer, until the principal of the bonds issued under this act shall become due, and shall then be disposed of at the highest market rates of the New York Stock Exchange, and the proceeds of the sale of such bonds, purchased as aforesaid, shall be appropriated to the redemption of the bonds issued under this act. But all bonds of the county, purchased as aforesaid, shall have "Cancelled" written across the face of the bonds, and of the remaining coupons, and the date of the cancellation shall be written on the face of the bonds so cancelled, and the cancelled bonds shall then be deposited with the County Commissioners' clerk.

SEC. 6. That whenever the interest on the bonds issued

under the provisions of this act shall become due, after the first of March, A. D. 1867, the same shall be paid by the Treasurer of the county, upon presentation of the proper coupons therefor at his office, and the coupons thus paid shall be cancelled and filed in the County Commissioners' clerk's office, by the Treasurer. Interest due, how paid.

SEC. 7. The credit of the county is hereby pledged to the payment of the interest and principal of the bonds mentioned in this act, as the same may become due, except as provided in sections two and six of this act. And it shall be the duty of the County Commissioners' clerk to register such bonds in a book provided for that purpose, which registry shall show the date, number, amount, and to whom is made payable each of said bonds. Credit of county pledged.

SEC. 8. The question shall be submitted to the electors of Wyandotte county, at the next general election, which shall be in favor of issuing county bonds, for subscribing one hundred thousand dollars stock of the Union Pacific Railway Company, or against issuing county bonds for subscribing one hundred thousand dollars stock of the Union Pacific Railway Company. The election shall be conducted as other elections, as provided for by law. And if a majority of all the votes cast at said election shall be in favor of subscribing stock as provided for in this act, it shall become a law, and be in full force and effect, otherwise to have no binding force whatever. Submiss'n of the question.

SEC. 9. It shall be the duty of the county board to prepare separate ballot boxes at each of the different voting precincts of said county, for receiving the ballots as provided for in this act. County board,—duty of.

SEC. 10. That this act shall take effect and be in force from and after its publication, and it shall be the duty of the Secretary of State, immediately upon its approval by the Governor, to cause the same to be published at least once in the *Wyandotte Gazette*, Wyandotte county, Kansas, which shall constitute such publication.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Wyandotte Gazette* for March 12, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XXXVII.

COUNTY FINANCES.

AN ACT relating to County Finances.

Be it enacted by the Legislature of the State of Kansas:

Duty of Co. clerk.

SECTION 1. That it shall be the duty of the County Clerk of each county of this State to keep a book in which he shall keep the receipts and expenditures of his county, and all accounts of his county with the different county, township, district and other officers.

SEC. 2. That it shall be the duty of the County Clerk, in keeping the accounts of his county with the County Treasurer, to charge the County Treasurer as follows: with the amount of money and with the amount of State, county, township, school, road and city warrants, or orders, or other evidences of indebtedness which the County Treasurer may be authorized by law to receive for the different taxes which he receives from his predecessor in office; with the amount of the taxes on each tax roll, made out and delivered to him during his term of office; with the amount of the additional assessments made after the tax roll is made out and delivered to the County Treasurer; with the amount of the ten per cent. penalty added to the taxes after the twelfth day of January of each year; with the amount paid by the county for advertising land and town lots for sale for delinquent taxes; with the amount received on assignments of land and town lots sold to the county for delinquent taxes; with the amount of redemption money on lands and town lots

sold to the county for delinquent taxes, when the same are redeemed, with the amount of the State school fund received from the State Treasurer; with the amount received from the sale of property belonging to the county; with the amount received from the sale of estrays; with the amount received as exemption from military duty in the State militia; with the amount received as fines or forfeitures; with the amount of receipts which the County Treasurer gives for the overplus of county orders received as required by law; with the amount received for dram shop, tavern, grocery, or other license, and upon presentation of proper vouchers, shall credit him as follows: with the amount of county orders received by the County Treasurer and returned to the county board and cancelled; with the amount paid to the State Treasurer and to township trustees, school district treasurers, city treasurers, or other officers entitled by law to receive any money from the County Treasurer; with the amount of delinquent taxes and the ten per cent. penalty thereon, on lands and town lots bid off for the county, together with the cost of advertising the same for sale, which said taxes have been transferred from the tax roll to the book of tax sales; with the amount of double and erroneous assessments of property, except the assessments on lands and town lots which have been sold or entered on the book of tax sales for delinquent taxes; with the amount of percentage fees allowed by law to the County Treasurer for collecting the different funds; with the amount of money and the amount of warrants or orders or other evidences of indebtedness which the County Treasurer is allowed by law to receive for taxes, which he pays over to his successor in office; with the amount of the taxes uncollected on the tax roll delivered over to his successor in office.

SEC. 3. That it shall be the duty of the County Clerk, in making the above charges, credits and entries, to state each different fund and each item of each different fund separately.

SEC. 4. That it shall be the duty of the County Treasurer to take receipts for all moneys and for all warrants or orders or other evidences of indebtedness which he has received in pursuance of law, when he pays the same to the State Treasurer, Township Trustee, School District Treasurer, or other officer

Duty of Co. Treasurer.

County Clerk.

SEC. 5. That it shall be the duty of the County Clerk to assess at a fair value the property of any person liable to pay taxes which the County Assessor has failed to assess, and to place the same on the tax roll, and the County Treasurer shall collect the taxes on the same as in other cases; and it shall further be the duty of the County Treasurer to notify the County Clerk of any such property which may come to his knowledge, and the County Clerk, for the purpose of asssesing the same, is authorized to administer oaths to the owner of such property, or to any other person, touching the value of the same: *Provided, however*, that the County Clerk is not required to see such property in person.

SEC. 6. That in all cases when any person shall pay any money into the county treasury, he shall take a receipt therefor from the County Treasurer, but said receipt shall be of no validity until it is countersigned by the County Clerk, except it be a tax receipt, and the County Treasurer shall in no case act as County Clerk or deputy.

SEC. 7. That it shall further be the duty of the County Clerk of each county, on the thirteenth day of January, or as soon thereafter as practicable, in each year, to place on the tax roll of his county, in a separate column, and opposite to each description of property upon which the taxes then remain unpaid, the aggregate amount of the ten per cent. penalty then to be added to such taxes.

SEC. 8. That it shall further be the duty of the County Clerk of each county, at the close of any person's term of office as County Treasurer, whether by resignation or otherwise, and at the time or before said treasurer's successor's term of office shall commence, to place on the tax roll of his county, in a separate column, and opposite each description of property upon which the taxes then remain unpaid, the aggregate amount of such unpaid taxes, and for such purpose said tax roll shall be delivered to the County Clerk for one week, and no taxes shall be received in the mean time.

SEC. 9. That when any land or town lots shall at any tax sale be bid off by the County Treasurer for the county, it shall entitled to receive the same, and forthwith file such receipts or copies thereof with the County Clerk.

be the duty of the County Treasurer to enter the same on the book of tax sales, in the same manner as though such lands or town lots were sold to other purchasers, and he shall number each tract of land or town lot consecutively, in like manner as though a certificate of sale had been made, but no certificate of sale shall be made except as follows: whenever any person shall pay into the county treasury a sum of money or warrant of the appropriate fund, or county orders equal to the cost of redemption at that time, of any such tract of land or town lot, the County Treasurer shall give such person a certificate, dated the day when it is issued, describing the land or town lot bid off for the county, the amount for which it was so bid off, the amount paid into the county treasury by such person for such tract of land or town lot, the time when the owner of such certificate will be entitled to a deed, and shall number said certificate to correspond with the number of the tract of land or town lot, as numbered in the book of tax sales, which certificate, before it shall be of any validity, shall be assigned to such person by the County Clerk, who shall make an entry of such assignment on his duplicate of book of tax sales, and such certificate, so assigned by the County Clerk, shall vest all the interest of the county in and to such land or town lot in such person, and such certificate shall be assignable to the same extent and in like manner as certificates given to purchasers at tax sales.

County Treasu'r.

SEC. 10. Each County Treasurer shall keep a book of accounts with the county open at all times to the inspection of the County Commissioners of his county, in which he shall charge himself with the amounts of money, or orders, or warrants received by him, showing from what source each item was received, and each carried out to the proper fund.

SEC. 11. That whenever any county warrants issued to any person remain in hands of the County Clerk unclaimed for a period of three years from the date thereof, said warrant shall be returned by him to the board of County Commissioners and cancelled, and no account shall be allowed against any county over three years from the time when the same accrued.

SEC. 12. That section 44 of an act entitled "An act to provide for the assessment and collection of taxes," approved

February 27, A. D. 1860, and section 115 of an act relating to counties and county officers, approved February 25, A. D. 1860, be and the same are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after its publication, and it shall be the duty of the Secretary of State, immediately upon the approval of this act by the Governor, to have a certified copy published once in the *Topeka Tribune*, which shall constitute such publication.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 5, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XXXVIII.

COUNTY IMPROVEMENTS.

AN ACT relating to county improvements.

Be it enacted by the Legislature of the State of Kansas:

Contracts awarded to the lowest bidder.

SECTION 1. That all contracts for the erection of court houses, jails and other county buildings, and the construction of any bridge, the cost of which exceeds one hundred dollars, shall be awarded at a public letting to the lowest responsible bidder, and the person or persons to whom the contract is awarded shall give bond in double the amount of the contract price, with two or more sufficient securities, to be approved by the board of County Commissioners, conditioned for the faithful performance of the contract according to the terms and specifications thereof.

Duty of county board to advertise.

SEC. 2. The board of County Commissioners shall, before awarding any contract for any improvement, as specified in section one of this act, publish notice of the same at least thirty

days in some newspaper printed in the county, or, if there be no newspaper published in the county, said board shall cause written or printed notices to be posted in at least five conspicuous places in the county for the same length of time, which notice shall specify with reasonable minuteness the character of the improvement contemplated, the time and place at which the contract will be awarded, and shall invite sealed proposals for the same.

SEC. 3. Before advertising for bids for any contract, as provided for in section two, said board shall cause plans and specifications of the proposed work or improvement to be prepared, which plans and specifications shall be displayed for the inspection of bidders, in the office of the County Clerk, at least thirty days before the time for awarding the contract. Specifications.

SEC. 4. This act shall take effect and be in force from and after its publication once in the *Topeka Tribune*.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 4, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XXXIX.

COURT IN NEMAHA COUNTY.

AN ACT regulating the manner of holding the April term of Court in the county of Nemaha.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That at the April term of the court of Nemaha county, no grand or petit jury shall be summoned, unless the District Court of said county shall order the Sheriff of said county so to do.

SEC. 2. This act to be enforced from and after its publication once in the *Topeka Tribune.*

Approved, February 10, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for February 13, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XL.

TERMS OF COURT IN THIRD JUDICIAL DISTRICT.

AN ACT to change the terms of the District Court in the Third Judicial District.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section two of an act approved March 4, 1862, entitled "An act to change the terms of the District Court in the the third and fifth judicial districts," be and the same is hereby amended so as to read as follows: That section one of an act approved February 22, 1862, entitled "An act to amend an act regulating the terms of the District Courts in the several judicial districts," approved May 20, 1861, be and is hereby amended so as to read as follows, to wit: The terms of the District Court for the third judicial district shall commence in each year as follows: In the county of Davis, on the first Monday in April and October; in the county of Riley, on the second Monday in April and October; in the county of Potawatomie, on the third Monday in September; in the county of Wabaunsee, on the fourth Wednesday of September; in the county of Shawnee, on the third Monday of May and November. The counties of Riley, Wabaunsee and Potawatomie are hereby detached from the county of Davis, and all the records and books pertaining to the counties of Davis,

Clay, Dickinson, Riley, Wabaunsee and Potawatomie, are to be deposited in the county of Riley, and the papers and records pertaining to the counties of Davis, Dickinson and Clay are hereby transferred from the said county of Riley to the county of Davis, and the records and papers pertaining to the counties of Potawatomie and Wabaunsee, to the counties of Potawatomie and Wabaunsee, respectively, in accordance with the provisions of section second of said act, entitled "An act regulating the terms of the District Courts in the several judicial districts," approved May 20, 1861: *Provided*, that no jury shall be summoned in the county of Davis for the spring term, and in the county of Riley for the spring term, unless ordered by the Judge of the district, on the request of the board of County Commissioners of each county respectively, for the trial of criminal cases, in which case the Judge of the district is hereby authorized to order petit juries to be summoned, either before or during such term.

SEC. 2. The section to which this act is amendatory is hereby repealed. Repeal.

SEC. 3. This act shall take effect and be in force from and after its publication once in the *Topeka Daily Tribune*.

Approved, February 16, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Daily Tribune* for February 19, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XLI.

TERMS OF COURT IN FIFTH JUDICIAL DISTRICT.

AN ACT regulating the terms of the District Court in the Fifth Judicial District.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the terms of the District Court in the fifth judicial district shall commence in each year as follows: In the county of Coffey, on the second Monday of March and the third Monday of August; in the county of Woodson, on the first Monday of September; in the county of Osage, on the fifth Monday after the first Monday of March and September; in the county of Lyon, on the seventh Monday after the first Monday of March and September; in the county of Morris, on the third Monday of November; in the county of Chase, on the first Monday of August: *Provided*, that no jury shall be summoned in the county of Coffey for the August term, and in the county of Osage for the spring term, unless ordered by the Judge of the district either before or during such term.

SEC. 2. That section first of an act entitled "An act to amend an act entitled 'An act to change the terms of the District Court in the third and fifth judicial districts,' approved March 4th, A. D. 1862," be and the same is hereby repealed.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XLII.

COUNTY SEAT OF JEFFERSON COUNTY.

AN ACT providing for the permanent location of the county seat in and for the county of Jefferson.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That there shall be held, at the usual place of holding elections in the different precincts within the county
Election ordered. of Jefferson, on the fourth Monday of March, 1864, an election

for the location of the permanent seat of justice of said county, and a poll shall be opened at each of the places aforesaid, and every legal voter of said county may vote for the place of his choice, and the place receiving a majority of all the votes cast, shall be the permanent seat of justice of said county.

Judges of elect'n.

SEC. 2. It shall be the duty of the judges of election of each precinct in said county to transmit to the County Clerk a copy of the poll books containing the result of said election, before 12 o'clock, M., on the first Monday in July, 1864.

Duty of county board.

SEC. 3. It shall be the duty of the board of County Commissioners, at their meeting on the first Monday of July, 1864, to canvass the votes cast at said election, and to declare the result thereof.

If no election.

SEC. 4. In case no place shall receive a majority of all the votes cast, then the two places having the highest number of votes at said election, held as aforesaid, shall be voted for at the general election to be held in November next following.

Returns.

SEC. 5. The result of said vote shall be returned with the poll books of said election by the judges of the several precincts, to the County Clerk, as prescribed by law.

Canvass.

SEC. 6. The board of County Commissioners, at their meeting to canvass the result of said general election, shall canvass the votes cast for the two places, as aforesaid, and the place having the highest number of votes, shall be declared to be the permanent seat of justice for said county.

SEC. 7. This act shall take effect and be in force from and after its passage.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XLIII.

STREETS, ALLEYS, ETC., IN HAMPDEN.

AN ACT to vacate certain streets, alleys, public grounds and town lots in the town of Hampden.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the streets, alleys, parks, public grounds and town lots, laid off and platted upon the east half of the southwest quarter and the southeast fourth of the northwest quarter of section number twenty-four (24), township twenty-one (21), of range fifteen (15), in the county of Coffey and State of Kansas, are hereby vacated and abolished.

Vacate.

SEC. 2. This act shall be in force from and after its passage.

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XLIV.

PARK FOR SCHOOL PURPOSES.

AN ACT to convey a certain park or public ground to a school district for school purposes.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the park or public ground, situated between blocks number fifty-one, fifty-three, forty-five and sixty-one, in the northwest quarter of section thirty-four, township fourteen, range twenty, and in that part of the town of Baldwin City formerly known as Palmyra, be and is hereby granted and confirmed to school district number seventeen, in Douglas county, to have, hold and use for the erection thereon of a school house for the public school of said school district: *Provided*, that the said school district shall erect, within three years after the first day of June, 1864, a school house on said ground or park.

SEC. 2. This act to be in force from and after its passage.

Approved, February 25, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XLV.

AMENDMENT TO STATE CONSTITUTION.

JOINT RESOLUTION to amend section three of article five of the Constitution of the State of Kansas.

Be it resolved by the Legislature of the State of Kansas:

SECTION 1. That the following amendment of section three, article five, of the constitution of the State of Kansas, is hereby proposed for publication, to be approved or rejected by the electors of the State of Kansas, in pursuance of section one of article fourteen of the said constitution; said section three, article five, to be amended so as to read as follows: "Section 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States or of the high seas, nor while a student of any seminary of learning, nor while kept at any almshouse or other asylum at public expense, nor while confined in any public prison; and the Legislature may make provisions for taking the votes of electors who may be absent from their townships or wards, in the volunteer military service of the United States, or the militia service of this State; but nothing herein contained shall be deemed to allow any soldier, seaman or marine in the regular army or navy of the United States the right to vote." Amendment.

SEC. 2. This proposed amendment shall be submitted to the electors of this State, for their approval or rejection, at the first general election on Tuesday succeeding the first Monday in November, A. D. 1864. Said election shall be governed [by], and returns made in all respects in accordance with, the general election laws. To be submitted.

SEC. 3. The ballots used at said election shall be written or printed as follows: "For amendment of section three, article five," or "Against amendment of section three, article five," as the case may be. Ballots.

Approved, February 16, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XLVI.

AMENDMENT TO STATE CONSTITUTION.

JOINT RESOLUTION proposing an amendment of section 12 of article 2 of the Constitution of the State of Kansas.

Resolved by the Legislature of the State of Kansas:

SECTION 1. That the following amendment of section 12 of article 2 of the constitution of the State of Kansas is hereby proposed, to be approved or rejected by the electors of said State, in pursuance of section one of article fourteen of said constitution; said section to be amended so as to read as follows: "SEC. 12. Bills may originate in either House, but may be amended or rejected by the other."

SEC. 2. The ballots used in voting upon said proposed amendment shall be as follows: "For amendment of section twelve, article two of the constitution," or "Against amendment of section twelve, article two of the constitution," and the election in respect to said proposed amendment shall be governed and returns made in all respects in accordance with the general election laws of the State.

Approved, February 20, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XLVII.

CONSULS TO ACKNOWLEDGE DEEDS, &C.

AN ACT to authorize Consuls to acknowledge Deeds and other instruments.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That any acknowledgment of the execution of any deed, mortgage, or power of attorney to sell or convey lands or any other instrument in writing required by the laws of this State to be acknowledged, may be made or taken before any consul of the United States, resident in any foreign port or country, and when such acknowledgment is so certified

by such consul, it shall be as valid and effectual as if taken or made before any other officer authorized to take acknowledgment of such instruments in this State.

Approved, February 20, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XLVIII.

IMMIGRATION TO KANSAS.

AN ACT supplementary to an act entitled "An act to enable the trustees of colleges, academies, universities, and other institutions, societies and companies, to become bodies corporate," approved February 9, 1859.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That it shall be lawful for any number of persons not less than five, to associate themselves together as a society for the promotion of immigration to the State of Kansas, and such society shall, under its hand and seal, make a certificate which shall specify as follows: the name of said society, and by which it shall be known, and the object for which said society shall be formed; such certificate shall be acknowledged, certified, and forwarded to the Secretary of State, recorded and copied in the same manner as provided in the sixteenth section of the act to which this is supplementary, and, when so incorporated, they are hereby authorized to carry on the operations and perform the functions named in such certificate of incorporation, and by the name and style provided in such certificate of incorporation, shall be deemed a body corporate, with succession, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey at pleasure all such real and personal property as may be necessary and convenient to carry into effect the object of the incorporation, to make and use a common seal, and the same to alter at pleasure, and do all needful acts to carry into effect the object for which it was created, and such company shall possess all the powers, and be

subject to all rules and restrictions provided by this act, and the act to which this act is supplemental.

SEC. 2. This act shall be and remain in force from and after its publication once in the *Topeka Tribune*.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 4, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XLIX.

COSTS IN CRIMINAL CASES.

AN ACT relating to costs in criminal cases.

Be it enacted by the Legislature of the State of Kansas:

In relation to costs.

SECTION 1. In any criminal action or examination before any Justice of the Peace, if the prosecution shall fail upon the merits, and it shall appear in such action or examination, to the satisfaction of the justice, that the prosecution was instituted without any reasonable or probable cause therefor, the justice shall so certify upon his docket, and shall thereupon render judgment for the costs of such action or proceeding against the complainant therein, and issue execution thereon, in the same manner as executions are issued in criminal actions.

County liable for costs.

SEC. 2. That in no case shall the county be compelled to pay any costs in any case before any Justice of the Peace where the complainant shall have been adjudged to pay the same, until an execution has been issued upon such judgment, and returned unsatisfied, or, if the complainant has been imprisoned upon such execution, until he shall have been discharged from such imprisonment.

SEC. 3. This act to take effect and be in force from and after its publication in the *Topeka Tribune*.

Approved, February 12, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for February 16, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER L.

INSTITUTION FOR DEAF AND DUMB.

AN ACT to establish and locate an institution for the education of the deaf and dumb at Olathe, in Johnson county.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That an institution for the education of the deaf and dumb shall be established in this State.

Commissioners to locate.

SEC. 2. Johnson Clark, of Miami county, J. Fleming, of Linn county, and J. R. Brown, of Johnson county, and in case of the death, refusal to serve, or inability of any of them, such other person or persons as the Governor shall appoint in their stead, are hereby appointed Commissioners, a majority of whom shall meet at the town of Olathe, in Johnson county, upon the first Monday in August next, or as soon thereafter as may be, and after having subscribed an oath before some officer authorized to administer the same, to the effect that they will faithfully perform their duties, proceed to locate such institution at some suitable point in or adjacent to the town of Olathe aforesaid, upon a tract of not less than twenty acres of land, upon condition that a good and sufficient deed, in fee simple, shall be made to the State therefor, and recorded in the office of the Register of Deeds in said county, free of all costs and charges to the State: *And provided further*, that the town of Olathe,

or some person on behalf thereof, shall convey, by good and sufficient deed, with warranty to the State of Kansas, for the benefit of said asylum, one hundred and sixty (160) acres of land, situated within at least two and one half (2 1-2) miles of said town.

To report proceedings to Secretary of State.

SEC. 3. Said Commissioners shall, immediately thereafter, make a report of their proceedings under this act, to the Secretary of State, and accompany the same with the said deed and their official oath, all of which shall be put upon file in his office.

Compensation.

SEC. 4. That said Commissioners shall receive three dollars per day for each day successively devoted to the performance of their duties under this act, and ten cents per mile for each mile traveled in going from their respective houses to Olathe and returning therefrom, by the most direct route of common travel, to be paid to them by persons in the immediate vicinity of such location; and in case the Commissioners shall so require, to be secured to them by responsible persons before they enter upon the discharge of their duties.

SEC. 5. This act shall be in force from and after its publication in the statute book.

Approved, February 12, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LI.

DEEDS BY TOWN COMPANIES.

AN ACT concerning deeds made by town companies.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. All deeds and other agreements, purporting to be made by any town company incorporated under the laws of the Territory of Kansas, and to have been executed by any officer of such company, under the seal of such company, shall be received in evidence in all the courts of this State, without

further proof of their execution or of the authority of such officer to execute the same.

This act shall take effect and be in force from and after its publication.

Approved, February 19, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LII.

JEFFERSON AND JACKSON COUNTIES ATTACHED.

AN ACT attaching the counties of Jefferson and Jackson to the Third Judicial District.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the counties of Jefferson and Jackson, for judicial purposes, are hereby detached from the first, and attached to the third judicial district.

SEC. 2. All suits, actions, provisional remedies or other legal proceedings now pending in said counties, shall proceed to final judgment or determination in the district to which the said counties are hereby attached, in the same manner as if the same had been originally commenced in said district.

SEC. 3. The terms of the District Court for said counties shall commence in each year as follows: In the county of Jackson, on the last Monday in April, and the Wednesday succeeding the first Monday in November; in the county of Jefferson, on the first Monday in May and the last Monday in October.

SEC. 4. This act shall be in force from and after its publication in the *Topeka Tribune.*

Approved, February 24, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for February 28, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LIII.

COUNTIES OF BUTLER, IRVING AND OTOE DETACHED.

AN ACT detaching the counties of Butler, Irving and Otoe from the county of Lyon, and attaching the same to the county of Chase, for judicial and other purposes.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the counties of Butler, Irving and Otoe are hereby detached from the county of Lyon.

SEC. 2. The counties of Irving and Otoe are hereby attached to the county of Butler, for judicial and other purposes.

SEC. 3. The county of Butler is hereby attached to the county of Chase, for judicial purposes.

SEC. 4. All cases pending in the district court for the county of Lyon, the cause of action of which arose in the county of Butler, or in which the parties thereto reside, are hereby transferred from the district court of Lyon county, to the district court for the county of Chase.

SEC. 5. It shall be the duty of the clerk of the district court of Lyon county, upon application of parties to cases hereinbefore transferred, verified by affidavit, that the cause of action arose in Butler county, or the parties reside therein, to make out and send, or cause to be sent to the clerk of the district court of Chase county, a certified transcript of the proceedings in such case or cases, together with the original papers in the same; said transcript and papers shall be filed by the clerk for the county of Chase. The expense of such transfer to be taxed and collected as cost in the same.

SEC. 6. This act shall take effect and be in force from and after its publication once in the *Topeka Daily Tribune.*

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Daily Tribune* for March 1, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LIV.

RECORDS AND PROCEEDINGS IN DOUGLAS COUNTY.

AN ACT relating to records and proceedings in the county of Douglas.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. Any person or persons interested may establish the judgment, decree or final order heretofore rendered or made by the District Court of Douglas county in any action or proceeding, and the pleadings therein, either under the Territorial organization and laws or subsequent thereto, in the manner hereinafter prescribed, and such judgment, decree or final order, when so established, shall be deemed as subsisting from the time of its rendition, and all rights, securities or liens of any nature that accrued or in any manner arose, by virtue of such judgment, decree or final order, at the time of its rendition, are hereby made and declared to be as valid and continuing in as full force and virtue as if the records of said court had not been destroyed, and the judgment, decree or final order established as herein provided shall be deemed and held to be the one originally made or rendered.

Records declared valid.

SEC. 2. The persons desiring to establish such judgment, decree or final order shall file with the clerk of said court a petition, verified either by his own oath or that of some one cognizant of the facts therein stated. The verification herein required may be made on information and belief. The petition shall set forth, in a summary manner, and as near as may be, the substance and time of rendition of the judgment, decree or final order, the nature of the liability upon which it was rendered, or the proceeding under which it was made. The petition may also, at the option of the person filing it, state the substance of all the pleadings in the case, together with any or all of the interlocutory orders made therein. It may also recite such other matters of record as have arisen subsequent to the rendition or making of the final order, decree or judgment. Parties—plaintiff and defendant—shall be the same in the petition as in the original case.

Verification.

Petition to contain.

SEC. 3. The clerk, on the filing of such petition of the parties,

Duty of clerk.

if any of them adverse to the person filing the petition are residents of the county, shall issue a summons under the seal of the court, and signed by himself, directed to the sheriff of the county, commanding him to notify the adverse parties mentioned in the petition, naming them in the summons, that (naming the person filing the petition) has filed his petition in that court, seeking to establish a judgment, decree or final order, as the case may be, as provided in "An act relating to records and proceedings in the county of Douglas," approved (giving the date of the approval of this act), and that, unless he show cause to the contrary within thirty days from the date of the summons, the petition will be taken as true and its prayer granted. The summons shall be returnable within ten days from its date, and shall be served in the same manner as writs in civil cases.

Non-residents.

SEC. 4. If the adverse parties to the petition, or any of them, are non-residents of the county, but are residents of the State, and the residence is known to the petitioner, he shall cause the summons to be directed by the clerk to the sheriff of the county of his or their residence, who shall serve and return the same, as in other civil cases.

Publication.

SEC. 5. If the residence of the adverse parties, or any of them, be unknown to the petitioner, he shall file with the clerk his affidavit stating the fact, and thereupon service may be made on the adverse parties whose residence is unknown, by a notice published in some weekly newspaper of general circulation in the county for one week. The notice shall contain in substance the same matters that are required in the summons, and shall notify the adverse party or parties that, unless they show cause to the contrary within thirty days from the date of publication, which date shall be mentioned in the notice, the petition will be taken as true, and the prayer thereof granted.

Answer.

SEC. 6. The adverse parties, so notified, may answer under oath the petition, denying any or all of its statements, and setting forth such new matters as appeared of record subsequent to the making or rendition of the judgment, decree or final order, and which operated in whole or in part to defeat, extinguish or set aside the same. To this statement of new matter,

the petitioner may reply, under oath, at any time within forty days after the date of the summons.

SEC. 7. The issues so joined shall be tried by the court, upon the hearing of which the attorneys of either party shall be competent witnesses, and the judge of the court may also refer to his own recollection of the facts of the case, provided he was in no wise interested in the same. The court, if required, shall make a finding of facts in the case, and its conclusions of law thereon, either of which shall be subject to review in the Supreme Court, on bills of exceptions, as in other cases. Attorneys competent witnesses.

SEC. 8. If no appearance is made by the adverse parties or any of them, as to such the petition shall be taken as true, and judgment entered accordingly; and if, on the hearing of the case, when appearance has been made by the adverse party or any of them, the court finds for the petitioner, it shall render judgment accordingly, and the judgment rendered on such finding, or failure to show cause to the contrary, shall be deemed and held to be the judgment, decree or final order originally made or rendered in the case, as provided in section first of this act. No appearance—judgment taken.

SEC. 9. The parties to any judgment, decree or final order, made or rendered in said court, may agree in writing as to what the original judgment, decree or final order was, and the proceedings had, whereon which written agreement may be spread upon the records of the court by the clerk thereof, at any time, and thereupon the same shall be deemed to be established as the one originally entered, as provided in section first of this act, and all the rights, liens or securities shall be maintained as provided in said section. Records.

SEC. 10. The petitioner, as mentioned in section second of this act, before filing his petition with the clerk, may exhibit the same to the adverse party or parties, and ask them to agree to it. If the adverse party or parties, or any of them, consent thereto, he or they shall subscribe the same, and as to him or them the clerk may enter the same on record, as provided in section nine of this act. If the adverse parties or party, or any of them, refuse to subscribe to the truth of the petition, and the same be afterwards established, as herein provided, then the costs of the proceedings to establish the same Petitioner may exhibit.

shall be adjudged against the party or parties so refusing, and execution shall be awarded therein as in other cases.

Agreement by parties in open court.

SEC. 11. The attorneys of record, representing respectively the plaintiff and defendant, or either party, and the attorney of record of the opposite party, in any case that had proceeded to judgment, decree or final order, as mentioned in section first of this act, may agree in open court, or by writing in vacation, as to what the original judgment, decree or final order and the proceedings had thereon were, and this agreement may be spread upon the record by the clerk of the court, and shall thereupon have the same effect as an agreement filed by the parties themselves, as mentioned in section nine of this act.

Costs.

SEC. 12. When it is not otherwise provided, the court shall adjudge the costs as it may in its discretion believe just.

Actions pending before Aug. 21, 1863.

SEC. 13. The attorneys in an action where an appearance had been made by both parties, in any action pending in said court on the twenty-first day of August last, or the attorney of one party and the adverse party, may file with the clerk of the court a statement setting forth the substance of the pleading in the action, together with the time, as near as may be, of their respective filings, and the order, if any had been made in the case. The clerk shall enter the statement on the record docket, the cause, and the same shall be deemed to have been commenced and pending from the time in the statement set forth, and shall proceed to hearing as other actions the records whereof had not been destroyed, and the statement shall be conclusive and binding on both parties as to the history and condition of the actions in court.

SEC. 14. If either party to an action pending in said court on the twenty-first day of August last, or his attorney, by his direction, shall exhibit to the opposite party, or his attorney, a statement as described in the last section, and ask him to agree to the truth thereof, and the adverse party, or his attorney, shall refuse to assent thereto, it shall be lawful for him to file with the clerk of the court the statement, and thereupon the clerk shall issue a summons, under his hand and seal of court, returnable within ten days from its date, directed to the sheriff of his county, commanding him to notify the adverse parties therein named, in the manner prescribed by law in other cases,

Summons—how served.

that the person filing the statement (naming him) has filed his statement of the pleading in the action wherein —— plaintiff and —— defendant, pending in that court on the 21st day of August last, and requiring to show cause, within thirty days from the date of the summons, why the statement should not be taken as true. The summons shall be served in the same manner as in other cases. The statement shall be verified by the oath of some person cognizant of the facts therein set forth. The party so notified may appear and answer, under oath, denying the truth of any or all allegations set forth in the statement, and the court shall hear proofs, and determine what the pleadings in the case were, and its determinations shall be conclusive, and upon the pleadings, as determined, the action shall proceed, subject to the power of the court to allow amendments and continuances, as in other cases; and the court shall adjudge the costs of determining the pleadings, as it may in its discretion deem just.

If parties cannot agree.

SEC. 15. If the parties to an action, pending as hereinbefore mentioned, cannot agree on the pleadings, they may each file a statement of what each believes they were, and the court shall hear and determine them, with like effect as mentioned in the last section.

Non-residents.

SEC. 16. If the adverse party be a non-resident of the county, it shall not be necessary for a party desiring to settle the pleadings to exhibit to him a statement, as required in section [14] fourteen of this act, but he may at once file the same with the clerk of the court, and procure service on the adverse party or parties, in the same manner as is provided for procuring service on non-residents of the county and State and those whose residence is unknown, in sections four and five of this act, but the publication notice shall contain the same matters that are required to be set forth in the summons mentioned in section [14] fourteen of this act, and the time for answering and publication shall be the same as that mentioned in section five.

In vacation.

SEC. 17. The court, or the judge thereof, in vacation, shall have the power, for good cause, and on such terms as seem just, to enlarge the time within which any act is required to be done by this act.

Sheriff's, &c.

SEC. 18. All Sheriff's and Master Commissioner's deeds,

made upon judgments or decrees rendered in said court on or before the twenty-first day of August last, shall be held and deemed conclusive upon the parties therein named, as to the facts in the deed set forth, and it shall not be necessary for any person interested in sustaining said deed to establish the judgment or decree out of which the deed issued.

Statute of limitation not to be pleaded.

SEC. 19. The plaintiff in any action pending in said court, or in which summons had issued, on the twenty-first day of August last, instead of setting the pleadings therein, as hereinbefore mentioned, may commence a new suit upon the same cause of action as in other civil actions, and the defendant shall not be allowed to plead the statute of limitation, unless he could have plead it in the original action, and the petition of the plaintiff shall allege the time when the original action was commenced, as near as may be, and that it was pending, or summons had issued, as hereinbefore mentioned.

Time of action.

SEC. 20. No proceedings shall be had under the provisions of this act, unless commenced within two years from the date of its approval.

SEC. 21. If any proceeding under the provisions of this act to establish any judgment, order or proceeding, or to substitute any paper or papers in an affidavit attached to the papers filed in said proceeding by the party moving therein, he shall show whether there are, to his knowledge, any copy or copies of such judgment, order or proceeding, or papers, to be substituted or established, and if he shall know of any such copies, the same or another copy thereof shall be attached to and filed with said affidavit, and, in any new action to be commenced under the provision of this act, the pleadings shall, if a copy of the original pleadings can be obtained, be the same as they were in the original action; and, if said copies cannot be obtained, then an affidavit shall be attached thereto, made by the attorney by whom the same is filed, that he knows of no copy of such pleadings, and that the said pleading sets forth the same cause ot action or defense only that was contained in the original pleading, and in the same manner as nearly as said affidavit can make the same. If the court shall be satisfied that the said pleading, in any respect, fails to state the same cause of action or defense that was contained in the original pleading, or in the pleading in the original action, or that such

Affidavit in certain cases.

cause of action or defense is differently stated, the court shall require the same to be made to conform to said originals, as near as can be done.

SEC. 22. The official acts of the Clerk of the District Court, the County Clerk and the Register of Deeds of said county, subsequent to the twenty-first day of August last, and before their respective offices were furnished with seals, and which are in conformity with law, except they are not attested by their official seals, are hereby legalized and made valid, as though they had been done and attested with their official seals. Seals.

SEC. 23. This act shall be in force from and after its publication—once in each of the weekly papers published in the the city of Lawrence, in said county of Douglas, to wit: The *Kansas State Journal* and the *Kansas Weekly Tribune;* and it shall be the duty of the Secretary of State to transmit forthwith, for publication in each of said papers, a certified copy of the same.

Approved, February 9, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Kansas State Journal* and *Kansas Weekly Tribune* for February 18, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LV.

AN ACT SUPPLEMENTARY.

AN ACT supplementary to an act entitled "An act relating to records and proceedings in the county of Douglas," approved February 4, 1864.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. If any adverse party or parties, in a proceeding to establish in the District Court of Douglas county, pursuant

to the act to which this is supplementary, a judgment, decree, final order, an interlocutory order, pleading, or other matter of record arising subsequent to the making or rendition of judgment, decree or final order, shall be non-resident of this State, the petitioner in such proceeding may procure service on such party or parties, in a manner similar in every respect to that provided in section five (5) of the act to which this is supplementary.

When adverse party is a non-resident.

Plaintiff may file with clerk a statement.

SEC. 2. The plaintiff or his attorney, in an action commenced in the District Court of Douglas county, pending August 21, 1863, where no appearance by the defendant or defendants had been made, may file with the clerk of said court a statement setting forth the substance of the pleading and of any proceeding had in the case before the time limited for the appearance of the adverse party, as near as may be, and the time, as near as may be, of the filing of such pleading or other paper therein, and the orders, if any have been made in the case, and such statement of pleading, proceeding or order shall take the place of, and have the same effect as the original pleading, proceeding or order, as the case may be; and the defendant or defendants in such case shall be entitled to be served with notice as provided for in section fourteen (14) of the act to which this act is supplementary.

Notification of record.

SEC. 3. The owner of any deed, bond, contract, lease, mortgage, or any other instrument in writing, affecting real estate which was, by having been duly acknowledged or proved, entitled to record in the office of the Register of Deeds of any counties of this State, and which, on the 21st day of August last was unrecorded, and on that day in Douglas county destroyed, or which, having been recovered, was with the record thereof destroyed, may establish the same by filing his petition, verified by himself, his agent or attorney, in the District Court of the county wherein the said land, or a part thereof, is situated, and by proceedings in such Court, similar in every respect provided for establishing judgments, decrees and final orders in this act, and in the first twelve sections of the act to which this is supplementary; and the Register of Deeds of said counties are hereby authorized to record the decree, establishing such deed, bond, contract, lease, mortgage, or other instrument, in the same manner and place wherein the original

instrument might have been recorded, and such record shall have the same effect and be notice to the same extent from the date of the filing of the petition therefor, as the record of the original instrument would have had.

Final orders.

SEC. 4. A party defendant against whom any judgment, decree, final order, or other proceeding or instrument may have been established pursuant to this act, or the act to which this is supplementary, without other notice than service by publication in a newspaper, may have the adjudication establishing such judgment, order, decree, instrument or proceeding opened, and be let in to defend within the same time, on the same proof and same terms and conditions, and in the same manner as provided in section eighty three (83) of the code of civil procedure in relation to judgments rendered upon service by publication, and the same restrictions contained in said section, as to the effect of opening a judgment or order, shall apply to the opening of the adjudications provided for in this act and the act to which this is supplementary.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LVI.

RE-ASSESSMENT OF REAL ESTATE.

AN ACT to authorize the re-assessment of real estate in Douglas county.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That it shall be the duty of the County Assessor of Douglas county to make an assessment of the real estate in the county of Douglas, between the first day of April and the first day of August, 1864.

SEC. 2. Said assessment shall be made in conformity with the provisions of an act entitled "An act to provide for the assessment and collection of taxes," approved February 27, 1860, and the general acts amendatory thereto.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Lawrence Tribune*.

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Lawrence Tribune* for March 2, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LVII.

ELECTION FOR ELECTORS, AND AMENDING AN ACT.

AN ACT to provide for holding an election for electors of President and Vice President of the United States, and to amend an act entitled "An act to regulate elections and to prescribe the qualifications of voters, and to prevent illegal voting," approved May 23, 1861.

Election provided for.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. On the Tuesday succeeding the first Monday of November, in the year 1864, and on the Tuesday succeeding the first Monday in November of every fourth year thereafter, there shall be elected by general ticket as many electors of President and Vice President as this State may be entitled to of Senators and Representatives in Congress.

Electors to convene at capital.

SEC. 2. The electors of President and Vice President shall convene at the capital of this State on the first Wednesday in December next after their election, at the hour of twelve o'clock at noon of that day, and if there shall be any vacancy in the office of electors, occasioned by death, refusal to act, neglect to attend, or other cause, the electors present shall immediately proceed to fill the ballot, and by plurality of votes, such vacancy in the electoral college, and when all the electors shall appear, or the vacancies shall have been filled as above provided, they shall proceed to perform the duties required of such electors by the Constitution and laws of the United States.

SEC. 3. The Secretary of State shall prepare three lists of the names of the electors, procure thereto the signature of the Governor, affix the seal of State to the same, and deliver such certificate thus signed to one of said electors on or before the day herein provided for the meeting of said electors. Duty of Secretary of State.

SEC. 4. Every elector of this State, for the election of President and Vice President of the United States, who shall attend and give his vote for those officers at the time and place appointed by law, shall be entitled to receive the sum of three dollars per day for each day's attendance at such election, and fifteen cents per mile for every mile he shall travel in going to or returning from the place where the electors shall meet, on the most usual route, to be paid out of the State Treasury. Compensation. Mileage.

SEC. 5. That the election herein provided for shall be held in accordance with the provisions of an act entitled "An act to regulate elections, and to prescribe the qualifications of voters, and to prevent illegal voting," approved May 23, 1861, and it shall be the duty of the board of County Commissioners of the various counties of this State, to cause the proper columns for recording the votes for the electors herein provided for, to be made in the poll books, and the returns of the same shall be canvassed and certified in the same manner as is provided for State officers in the above mentioned act, and the County Clerk shall forthwith make out two certified copies of the abstract and certificate of the votes cast for electors of President and Vice President, and transmit by mail one of said copies to the Secretary of State, and the other to the Governor, and shall endorse on the back of the envelopes in which the same are inclosed, "Certified copy of the abstract of votes cast for electors of President and Vice President of the United States, at the regular election in ——— county, 18—." County board,—duty of.

SEC. 6. Notice of the time and place of such election shall be published by the Sheriffs of the various counties of this State, in the same manner as is provided for advertising elections for State officers in section five of the act to which this is amendatory. Sheriff to publish

SEC. 7. The State board of canvassers shall meet at the office of the Secretary of State on the Monday preceding the last Wednesday in November of the year in which said election State canvass.

is held, and canvass the votes for the electors herein provided for in the manner provided in section thirty-sixth of an act entitled "An act to regulate elections and to prescribe the qualifications of voters, and to prevent illegal voting," approved May 23, 1861, for canvassing the votes for State officers, and shall certify the result of said canvass to the Secretary of State, who shall thereupon make out and transmit a certificate of his election to each of the electors aforesaid, and in case of a tie vote said canvassers shall determine the same by lot.

SEC. 8. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 9. This act to take effect and be in force from and after its publication in the statutes.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

Private Library
of
Miles E. Canty,
Buffalo, Kans.

CHAPTER LVIII.

TOWNSHIP OFFICERS.

AN ACT to amend an act entitled "An providing for the election of township officers," approved May 23, 1861.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section four (4) of said act be amended so as to read as follows: "SEC. 4. The County boards of Commissioners shall constitute the boards of County Canvassers, and they shall assemble at the office of the County Clerk in their respective counties, on the first Monday of April of each year, and proceed to canvass the votes for township trustee, justice of the peace, constable and road overseer."

SEC. 2. That section four of the act to which this is amendatory is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its publication in the *Topeka Tribune*, and the Secretary

of State is hereby directed to cause such publication to be made forthwith.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 5, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LIX.

ELECTIONS—SUPPLEMENTAL.

AN ACT supplemental to an act entitled "An act to regulate elections and to prescribe the qualifications of electors, and to prevent illegal voting," approved June 3, 1861, to enable electors of Kansas, absent from the townships or wards of which they are residents, in the employ of this State or of the United States, in repelling invasion or suppressing insurrection, to vote for county, district and State officers, and for electors of President and Vice President of the United States.

Be it enacted by the Legislature of the State of Kansas:

Voters. SECTION 1. That it shall be and hereby is declared lawful for qualified electors of Kansas, who may, on the recurrence of any annual election, be absent from their township or ward employed in the militia or volunteer military service of the State and the United States, to vote for county, district and States officers, members of the Legislature, and for member of Congress, and electors of President and Vice President of the United States, at such places as they may be stationed in on the day of such election, under the regulations hereinafter prescribed; and it is hereby made the duty of the Secretary of State, the board of State Canvassers, and the respective boards of County Commissioners, and the several County Clerks to receive and count, and treat in all respects returns and abstracts of votes under this act as they now receive, count and treat returns and abstracts of votes under existing laws.

Duty of Secr'y of State.

SEC. 2. That it shall be the duty of the Secretary of State to prepare poll books and tally sheets which may be used at at elections held under the foregoing section. Said poll books to contain the necessary heading and blanks, and to be ruled into columns so as to show, first, the number of electors in the order in which they present themselves at the polls. Second, the name of the elector. Third, the regiment and company of which he is a member. Fourth, the precinct, county and representative district of which he is a resident; and fifth, a column for remarks by judges and clerks of elections. Said tally sheets shall contain a complete list of the organized counties of the State, with the names of the precincts and the number of the representative districts of each, with room in connection with each precinct to write down the names of at least two candidates for each office to be filled at the election, and on each of said tally sheets the proper printed notes, directing the manner of using and returning the same.

Governor to employ suitable person to deliver poll books.

SEC. 3. That the Governor shall employ some suitable person, whose duty it shall be to take and deliver to the commandants of Kansas regiments, or to the commandants of battalions, companies or squads, necessarily separated from the regiments to which they properly belong, at least ten days prior to the election aforesaid, duplicate copies of the poll books and tally sheets herein provided for, and to distribute among the officers and men printed copies of this act and the act of which this is supplemental: *Provided*, that in cases where regiments or sub-divisions of regiments are located outside of the State, the Governor shall transmit such poll books, tally sheets and printed matter by mail or express, or such other means as will be most economical to the State, and at the same time afford reasonable certainty that the persons for whom they are intended will receive the same.

Elections to be held by regim'ts.

SEC. 4. That as nearly as may be, all elections held under the provisions of this act, shall as nearly as possible be by regiments, but where portions of two or more regiments are stationed at the same place, they shall all vote at the same polls: *Provided*, the aggregate number shall not exceed twelve companies, in which two polls may be opened.

SEC. 5. That, on the morning of the day of election, the

electors indicated in this act may assemble at such place as may be appointed by the proper commandant, or as may be otherwise agreed upon, and proceed, *viva voce*, to select three judges and two clerks to preside over the election. Before proceeding to the election, the judges shall take and subscribe an oath or affirmation, which may be administered by any commissioned officer of the State of Kansas, who shall attach his certificate thereto, to support the constitution of the United States and of the State of Kansas, and that they will faithfully and impartially discharge their duties as judges and clerks of election, and permit no one to vote whom they are not satisfied was, at the time of his employment in the military service, a qualified elector, under the laws of Kansas, of the township or ward of which he offers his vote. Oath of judges.

SEC. 6. That, after the swearing in of the judges and clerks, they shall be governed in all respects, in regard to the opening of the polls and conducting the election and testing the qualification of voters, as provided by sections 6, 9, 10, 11, 12, 13, 14 and 15 of the act of which this act is supplemental, except the words "this State," in sections 10 and 12, shall be held to mean State of Kansas.

SEC. 7. That each elector shall, in full view, deliver to one of the judges of the election, a single ballot or piece of paper, on which shall be written or printed, or partly written and partly printed, first, the county, township or ward and representative district of which he is a resident; and second, the company and regiment of which he is a member, all of which shall be exposed. The ballot shall also contain the names of the persons voted for as above, with the designation of the office which each is intended to fill, which may be exposed or concealed at the option of the elector, but if concealed, the judges shall not inspect it. The judges shall announce in an audible voice the name of the elector, his residence and his company and regiment, as set forth on his ballot, and if no objection be made, and the judges are satisfied that he is a qualified elector, as represented by his ballot, he shall direct, and the clerks shall set down in the proper columns the number, name and company, regiment, county, township or ward, and number of representative district of the elector, and the judges shall deposit the ballot in the ballot box. Regulations for voting.

Proceedings after election.

SEC. 8. That, at the close of the polls, the poll books shall be signed by the judges, and attested by the clerks, and the names therein counted, and the number set down at the foot of the poll books, after which the ballot box shall be opened, and the ballots counted, and the number found in the ballot box set down on the poll books, under the number of electors. In the case of ballots found folded together, or of more than one person voted for for the same office, the judges shall be governed as provided by sections 21 and 22 of the act of which this is supplemental.

Count'g of votes.

SEC. 9. That, after the examination of the ballots, the judges shall proceed to ascertain, and the clerks to record, for whom the votes were cast, after the manner following, to wit: one of the judges shall, in presence of all others, open the ballot box, and take therefrom a single ballot, which he shall read as follows: first, the county, township or ward, number of representative district, the company and regiment as set forth on the ballot; and second, the names of the persons, with the designation of office for which the same was cast. The clerks will, on the announcement of the county, township or ward, turn to the proper place on the tally sheets, and record the vote as read by the judges, so that each ballot polled may be counted to the township or ward of which the elector is a resident. At the conclusion of the reading and recording of the vote, the clerk shall, under the inspection of the judges, proceed to count the vote recorded to each candidate, and set the same down in figures in the appropriate place, after which the judges shall certify the correct vote cast for each candidate, and for what office, which certificate shall be written upon the tally sheets, and attested by the clerks.

Disposit'n of poll books.

SEC. 10. It shall be the duty of the clerks to attach firmly together a copy of each of the poll books and tally sheets, and to fold the same up and seal them securely in separate envelopes, and endorse thereon a certified record of an election of citizens of Kansas in military employ, held at ———. One of the packages so endorsed shall be directed to the Secretary of State at Topeka, and may be transmitted by mail, or in such other secure way as the judges of election may think best. The other package, together with the ballots, shall be

retained by one of the judges, but the former may be forwarded to the Secretary of State in the event of the loss of the first.

Duty of Secr'y of State.

SEC. 11. That it shall be the duty of the Secretary of State, on the receipt of any returns of an election, as contemplated in the foregoing section, to open the same and to record all votes cast for the State officers, member of Congress, or electors of President and Vice President of the United States, to the respective candidates for whom they were polled, and to file the records away in his office; and it shall be his duty on or before the second Monday of December, to transmit to the County Clerk of each county a certified abstract of all the votes polled for county officers by citizens of such counties in military employ, together with the township or ward, or representative district of which they were residents, as appears by the official records of his office.

Duty of county board.

SEC. 12. That it shall be the duty of County Commissioners of the respective counties of this State, at their meeting on the Friday next following the election, after opening the returns and canvassing the vote, as contemplated by section 27 of the act of which this is supplemental, to determine who have received the highest number of votes for all officers except county officers, which the County Clerk shall certify to the Secretary of State, as contemplated by section 30 of the same act, after which the Commissioners shall adjourn to the third Monday of December, when they shall again meet, open and count to the proper candidates the votes certified to be polled for them according to the abstract provided to be forwarded from the office of Secretary of State by the preceding section, if such abstract has then been received by the County Clerk, when they shall determine the result, and the County Clerk shall forthwith issue the certificates contemplated by section 31 of the act of which this is supplemental.

SEC. 13. That all the provisions of the act of which this is supplemental not inconsistent with the provisions of this act, shall be taken and held as parts of this act.

SEC. 14. This act shall take effect and be in force from and after its publication in the *Topeka Tribune*.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 5, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LX.

EXECUTORS AND ADMINISTRATORS.

AN ACT to amend sections 119 and 136 of an act entitled "An act respecting executors and administrators, of their appointment and removal from office," approved Feb. 23d, A. D. 1859.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section (119) one hundred and nineteen of said act be amended so as to read as follows: "Section 119. If such redemption would injure the estate or creditors, or there would not be assets to redeem such property after the payment of debts, the court, in its discretion, may order the right, title and interest of the estate to such property to be sold, or may, on the application of the mortgagee, his assigns or legal representatives, order such property to be sold, and the proceeds applied in full satisfaction of the claim of said mortgagee, his assigns or legal representatives, against the estate, or, on the application of the mortgagee, his assigns or legal representatives, the court may order the administrator to convey to the mortgagee, his assigns or legal representatives, all the right, title and interest of the estate to such property, and such conveyance shall operate as an extinguishment of the claim of said mortgagee, his assigns or legal representatives, against the estate.

SEC. 2. That section (136) one hundred and thirty-six of said act be amended to read as follows: "In all public sales of real estate, made by any executor or administrator, he shall cause a notice, containing a particular description of the estate to be sold, and stating the time, place and terms of sale, to be published in some newspaper in the county for four weeks,

and shall put up a copy of such notice in ten public places in the county in which the sale is to be made, twenty days before the sale. If the Probate Court shall think advisable, and so order, the publication of such notice in the newspaper may be dispensed with."

Approved, February 20, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXI.

EXECUTORS AND ADMINISTRATORS—SUPPLEMENTARY.

AN ACT supplementary to an act respecting executors and administrators, of their appointment and removal from office.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That in all cases where persons die without heirs or will, in this State, and having property in this State, the County Treasurer shall pay the money in his hands, arising from the estates of such deceased persons, into the State treasury, for the use of the common school fund, within one year from the final settlement of the administrator, or within twelve months from the time of receiving such money.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXII.

ORGANIZATION OF FIRE COMPANIES.

AN ACT to encourage the organization of fire companies.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That any person who now is, or shall hereafter become, an active member of any fire engine, hook and ladder,

or any other company for the extinguishment of fire or the protection of property at fires, now existing and in active operation, under the control of the corporate authorities of any city or incorporated town within this State of over five thousand inhabitants, or of any such company which shall hereafter be organized under and subject to the authorities of any cities or towns coming within the provisions of this section, shall, during the time he may continue an active member of such company, be exempted from the performance of military duty in time of peace, from serving as a juror, the payment of all poll taxes, and from the payment of taxes on personal property to the amount of five hundred dollars, inclusive of the amount exempted by law previously enacted: *Provided*, that the privileges aforesaid shall not be extended to any but active duty members, furnished with all the apparatus or equipage necessary, and all other members who have become disabled from serving as firemen while in the discharge of their duties as such; *And provided*, that such members shall not be deprived of said privileges in consequence of temporary absence from the place where such company may be located for a period of not more than six months: *Provided*, it was the intention of such absentees to return and continue their duties in said company.

Exemption from duty.

Proviso.

SEC. 2. That any person who shall have been such member of any such companies as are described in the preceding section, and shall have faithfully discharged his duties as such, for the term of five years, shall be forever thereafter exempt from the performance of military duty in time of peace, and from serving as a juror, so long as such person shall remain a resident of the city or town wherein he became so exempt as aforesaid: *Provided*, that this said five years' service shall not be construed to mean only five consecutive years in the same company, but may consist of different periods of service, either in the same or in different companies, at different times, in all amounting to five years.

Exemption.

SEC. 3. That any person who has served five years shall be entitled to receive, from the president or foreman of the company or companies of which he shall have been a member, a certificate or certificates to that effect, specifying the length of

Certificate given.

time he shall have served, and, on presentation of said certificate or certificates to the clerk of the proper city or town, it shall be the duty of said clerk to file the same in his office, and give his certificate, under seal, to the person entitled thereto, setting forth the name of the company or companies of which such person may have been a member, and the length of time he has served in each company; and such certificate shall be received in all courts and places as *prima facia* evidence that said person is entitled to the exemptions hereinbefore mentioned; and, if the president, foreman or captain of any company aforesaid shall knowingly grant any illegal certificate, under the provisions of this act, he shall be deemed guilty of a misdemeanor, and subject to a penalty in amount not less than fifty nor more than five hundred dollars for each offense, to be collected before any court having competent jurisdiction, and, when collected, to be paid into the treasury of the city where the offense was committed.

Approved, February 17, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXIII.

GEOLOGICAL AND MINERALOGICAL SURVEY.

AN ACT providing for a Geological and Mineralogical Survey.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The Governor is hereby authorized to appoint, with the consent of the Senate, a State Geologist for the State of Kansas, whose term of service shall commence on the first day of March, A. D. 1864, and end on the first day of March, A. D. 1865.

SEC. 2. The State Geologist shall procure the necessary regents and all the requisite apparatus for quantitive and qualitative analysis. He shall procure the necessary assistance and proceed to classify the rocks and soils of each county

Duties of.

of the State. He shall visit and analyze the salt springs already discovered, and use due diligence in efforts to discover others. He shall investigate coal formations and other mineral deposits, by the various appliances known to the departments of geology and mineralogy. He shall analyze the soils in the several settled counties, report their depth and show their adaptation for the growing of particular grains and grasses. He shall immediately report any important discoveries of valuable deposits or other matters of great importance to the State. He shall, during the current year, collect and label a geological cabinet, illustrating the geology of Kansas, and shall deposit the same with the State Librarian.

SEC. 3. He shall, between the first day of November and the first day of December, A. D. 1864, make and deliver to the Governor his annual report, which shall contain a complete detail of his labors and discoveries during the year.

Governor to appoint.

SEC. 4. The Governor is hereby authorized to direct the Auditor of the State to draw his orders on the State Treasurer for such sums as, in his judgment, may be necessary for the successful prosecution of the survey, said sums not to exceed

Compensation.

in the aggregate thirty-five hundred dollars during the year. These orders shall be marked "Geological Survey:" *Provided*, that no bills or services rendered, or expense incurred by the

Annual report.

State Geologist, shall be paid until a detailed statement, specifying the number of days' service, and the items of expenses verified by affidavit, and approved by the Governor and filed with the Auditor of State.

SEC. 5. Before entering upon the duties of his office, the State Geologist shall enter into bond to the State of Kansas in the sum of five thousand dollars, with security to the satisfaction of the Governor of the State, conditioned that he will faithfully and properly perform the duties of his office, and he shall take and subscribe the following oath:

Oath.

"I, ——, State Geologist for the State of Kansas, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Kansas, and faithfully discharge the duties of my office as prescribed by law, according to the best of my ability."

Power to remove.

SEC. 6. The Governor shall have power to remove such

appointee for incompetency or neglect of duty, and to fill all vacancies that may occur by death or otherwise.

SEC. 7. This act shall be in force from and after its publication once in the *Topeka Tribune*.

Approved, February 10, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for February 15, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LXIV.

ABOLISHING GRAND JURIES.

AN ACT to abolish Grand Juries, and to provide for the trial of offenses upon information.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the courts in the several counties of this State that now have jurisdiction to try offenses under indictment, shall possess, and may exercise the same power and jurisdiction to hear, try and determine prosecutions upon information, for criminal misdemeanors and offenses, to issue writs and process, and to do all other acts therein, as they now possess, and may exercise in cases of like prosecutions upon indictment. Prosecutions upon information.

SEC. 2. All information shall be filed during term in the court having jurisdiction of the offense specified therein by the prosecuting attorney of the proper county or district, as informant; he shall subscribe his name thereto, and endorse thereon the names of the witnesses known to him at the time of filing the same, and at such times before the trial of any case, as the court may by rule or otherwise prescribe. He shall also To be filed in court time.

endorse thereon the names of such other witnesses as shall then be known to him.

Verification.

SEC. 3. All information shall be verified by the oath of the prosecuting attorney, complainant or some other person, and the offenses charged therein shall be stated with the same fullness and precision in matters of substance as is required in indictments in like cases. Different offenses and different degrees of the same offense may be joined in one information, in all cases where the same might be joined by different counts in one indictment, and in all cases a defendant or defendants shall have the same rights as to all proceedings therein as he or they would have if prosecuted for the same offense upon indictment.

Criminal code to be applied.

SEC. 4. The act entitled "An act to establish a code of criminal procedure," approved February 9, 1859, and all other provisions of law applying to prosecutions upon indictments to writs and process thereon, and the issuing and service thereof, to motions, pleadings, trials and punishments, or the execution of any sentence, and to all other proceedings in case of indictment, whether in the court of original or appelate jurisdiction, shall, in the manner and to the same extent, as near as may be, apply to information and all prosecutions and proceedings thereon.

Recognizance.

SEC. 5. Any person who may, according to law, be committed to jail, or become recognized or held to bail with securities for his appearance in court to answer to any indictment, may in like manner so be committed to jail, or become recognized and held to bail for his appearance to answer to any information, as the case may be.

Duty of prosecuting attorney.

SEC. 6. It shall be the duty of the prosecuting attorney for the proper county, to inquire into all cases of preliminary examinations as provided by law, touching the commission of any offense, wherever the offender shall be committed to jail, or become recognized or held to bail, and if the prosecuting attorney shall determine in any such case that an information ought not to be filed, he shall make, subscribe and file with the clerk of the court, a statement in writing, containing his reasons in fact and in law for not filing an information in such case, and such statement shall be filed at and during the term of the court at which the offender shall be held for appearance.

SEC. 7. Grand juries shall not hereafter be drawn, summoned or required to attend at the sittings of any courts of this State, as provided by law, unless the Judge thereof shall so direct by writing, under his hand and filed with the clerk of said court. No grand jury unless directed by court.

SEC. 8. No information shall be filed against any person for any offense until such person shall have had a preliminary examination therefor, as provided by law, before a Justice of the Peace, or other examining magistrate or officer, unless such person shall waive his right to such examination: *Provided, however*, that information shall be filed without such examinations against fugitives from justice. Any fugitives from justice against whom an information may be filed, may be demanded by the Governor of this State of the executive authority of any other State or Territory, or of any foreign government in the same manner, and the same proceedings may be had thereon as provided by law in like cases of demand upon indictment filed: *And provided further*, that the District Judge may, upon information or affidavits with him filed, of the commission of crime, require the prosecuting attorney to prosecute any criminal, by information, for such crime, and may compel by attachment, fine or imprisonment, the compliance with this section. How information may be filed.

SEC. 9. In all cases where the prosecuting attorney shall file an information under this act, and shall fail to convict the offender, he shall be entitled to no fees in the case. No fees in certain cases.

SEC. 10. This act shall take effect and be in force from and after its publication in the *Topeka Tribune*.

Approved, February 12, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for February 16, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LXV.

GRAND AND PETIT JURORS.

AN ACT to amend an act providing for the selection and summoning of grand and petit jurors, approved Feb. 11th, 1859.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section nine (9) of an act providing for the selection and summoning of grand and petit jurors, approved Feb. 11, 1859, be amended so as to read as follows: "Sec. 9. At least thirty days before any term of the District Court, at which a grand and petit jury, or either of them, shall be required by law, the clerk of the county where such court is to be held, shall draw from the grand jury box the names of fifteen persons, to serve as grand jurors, and from the petit jury box the names of twelve men, to serve as petit jurors.

SEC. 2. That section 15 of said act shall be amended so as to read as follows: "Sec. 15. The sheriff shall summons the persons named in such list, respectively, to attend such court at least six days previous to the sitting thereof, by giving personal notice to each person, or by leaving a written notice at his place of residence, with some person of proper age, and shall return such lists to the court at the opening thereof, specifying the names of those who were summoned and the manner in which each person was notified; but no grand jury shall be summoned in any case, unless specially ordered by the written direction of the judge of the district in which the court is held.

SEC. 3. The officers attending the drawing of grand and petit jurors, under the provisions of the act to which this act is amendatory, shall each be entitled to the sum of two dollars per day for their services in drawing said jurors, to be audited and paid as accounts against counties are audited and paid.

SEC. 4. This act shall be force from its publication in the *Topeka Tribune*, in which the Secretary of State shall cause the same to be published immediately after its passage.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 4, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LXVI.

SOUTHERN KANSAS PACIFIC RAILROAD COMPANY.

AN ACT to amend an act entitled "An act to incorporate the Southern Kansas Pacific Railroad Company."

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section first of said act be amended so as to read as follows: "A company is hereby incorporated under the name and style of the Osage and Cottonwood Valley Railroad Company, the capital stock of which shall be one million dollars, to be divided into shares of one hundred dollars each, the holders of which, their successors and assigns, shall constitute a body corporate and politic, and by the name aforesaid shall have continual succession, may sue and be sued, plead and be impleaded, defend and be defended against, and may have and use a common seal, and shall be able in law and equity to make contracts, may take, hold, use, possess, and enjoy in fee simple or other title, in and to any real estate, and may sell and dispose of the same, and make by-laws, rules and regulations proper for carrying into effect the provisions of this act not repugnant to the constitution or laws of the United States or of this State, and shall have the usual and necessary powers of companies for such purposes." Amended. Trust bond of Directors.

SEC. 2. That the second section of said act be so amended as to read as follows: "That P. P. Elder, G. A. Colton, R. W. Massey, H. L. Hunt, Geo. N. Miller, Harvey Torrey, Charles Simms, B. F. Simpson, A. R. Morton, T. H. Ellis, H. W. Fick, J. R. Swallow, W. P. B. Paisley, F. G. Hunt, G. W. Humphrey, G. W. Brown, M. R. Leonard and J. H. Watson, shall constitute the first board of directors under this act, and Amendment.

Shall hold office until successors elected, &c.

shall hold their offices until their successors shall be chosen and qualified. They shall meet at such time and place as shall be designated by a majority of them, and organize by electing one of their own members as president of the board, who shall be president of the corporation, and they may also elect a secretary and treasurer, who shall give suitable bonds to the corporation for the faithful discharge of their duties."

Amendment.

SEC. 3. That section third of said act be so amended as to read as follows: "Said company shall have power to survey, locate, construct, complete, alter, maintain and operate a railroad with one or more tracks, from a point on the eastern line of the State of Kansas east of Paoli, in Miami county, thence by way of Paoli, and Emporia, Lyon county, Kansas, to the boundary of the State, in the direction of Fort Union and Santa Fe, New Mexico."

Amendment.

SEC. 4. That section four of said act be amended so as to read as follows: "That all the privileges and provisions of an act entitled 'An act to incorporate the Wyandotte, Minneola and Council Grove Railroad Company,' be and the same are hereby conferred on the 'Osage and Cottonwood Valley Railroad Company,' which last mentioned company shall have five years from the approval of this act, in which to commence the construction of the said Osage and Cottonwood Valley Railroad."

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved, February 12, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXVII.

CITIES OF KANSAS—AMENDATORY.

AN ACT to amend an act entitled "An act to incorporate cities of the State of Kansas," approved March 4th, 1862.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all of article four (4) of said act be and the same hereby is changed and amended, so as to read as follows, to wit:

SEC. 2. In each city, under this act, there shall be a board of education, consisting of three members from each ward, elected by the qualified voters thereof, one of whom shall be elected annually, and shall hold his office for the term of three years, and until his successor is elected and qualified: *Provided*, that at the first election held under this act, the entire board shall be elected, one of whom from each ward shall serve for the term of one year, one for the term of two years, and one for the term of three years. Term of office.

SEC. 3. The board of education shall have power to fill any vacancy which may occur in their body: *Provided*, that any vacancy occurring more than ten days previous to the annual city election, and leaving an unexpired term of one or more years, shall be filled at the first city election thereafter, and the ballots and returns of election shall be designated as follows: "To fill unexpired term of years." Vacancies—how filled.

SEC. 4. The board of education shall have power to elect their own officers, make their own rules and regulations, subject to the provisions of this act, to organize and maintain separate schools for the education of white and colored children, to establish a high school wherever, in their opinion, the educational interests of the city demand the same, and to exercise the sole control over the public schools and school property of the city. Regulations.

SEC. 5. The board of education, at its regular meeting in May of each year, shall organize by the election of a president and vice president from among its own members, each of whom shall serve for the term of one year, or until their successors are elected; they shall also elect a clerk, who shall act Organization.

[as] superintendent of public schools, and hold office during the pleasure of the board.

Duty of President.

SEC. 6. It shall be the duty of the president to preside at all meetings of the board of education, to appoint all committees whose appointment is not otherwise provided for, and to sign all warrants ordered by the board of education to be drawn upon the city treasurer for school moneys.

Vice President.

SEC. 7. It shall be the duty of the vice president to perform all the duties of the president in case of his absence or disability.

Secretary—duty of.

SEC. 8. It shall be the duty of the secretary to be present at all the meetings of the board, to keep an accurate journal of its proceedings, to take charge of its books and documents, to countersign all warrants for school moneys drawn upon the city treasurer by order of the board of education, to act as superintendent of public schools, and perform such other duties as the board of education or its committees may require; and, for his services he shall receive such salary as the board may deem adequate.

Bond and oath.

SEC. 9. Before entering upon the discharge of his duties, the clerk of the board of education shall give bond in the sum of one thousand dollars, with good and sufficient securities, to be approved by the board, and shall take and subscribe an oath or affirmation, before a proper officer, that he will support the constitution of the United States, the constitution of the State of Kansas, and faithfully perform the duties of his office.

Treasurer—duty of.

SEC. 10. The treasurer of the city shall be, *ex officio*, the treasurer of the board of education. He shall attend all the meetings of the board, when required so to do, shall prepare and submit, in writing, a monthly report of the state of its finances, and shall pay school moneys only upon a warrant signed by the president, or in his absence, by the vice president, and countersigned by the secretary.

SEC. 11. No member of the board of education shall receive any pay or emolument for his services.

SEC. 12. The board of education, at such time as they shall deem expedient, shall appoint three competent persons, who shall be styled the examining committee of the board of education, whose duty it shall be to examine all persons who may

apply to them as teachers; and no person shall be elected by the board as teacher, who cannot produce a certificate from the examining committee, signed by all or a majority of them, and setting forth that such person is competent to teach in such department of the public schools as may be stated in the certificate, and is a person of good moral character. Teachers.

SEC. 13. The board of education shall have power to fill any vacancy which may occur in the examining committee. Vacancy.

SEC. 14. The board of education shall, during the month of August, report to the city council an estimate of the amount of funds required for the support of public schools for the fiscal year next ensuing, including in said report the amount required for the purchase of school sites, and the erection and furnishing of school buildings, as well as the amount necessary for the payment of salaries and purchase of supplies, and the city council is hereby authorized and required to levy and collect the same as other taxes: *Provided*, that the aggregate school tax shall in no one year exceed one-fourth of one per cent. upon all the taxable property in the city. Funds.

SEC. 15. All taxes collected for the benefit of the public schools shall be paid in money, and shall be placed in the hands of the city treasurer, subject to the order of the board of education. Taxes.

SEC. 16. The whole city shall compose a school district for all purposes of taxation, but may be sub-divided by the board of education into as many districts as they may think proper. Districts.

SEC. 17. The title of all property held for the use or benefit of public schools, shall be vested in the board of education, and held by them in trust for the city. Title.

SEC. 18. No school property of any kind shall be sold or conveyed by the board of education, except at a regular meeting of the same, and not then without an affirmative recorded vote of at least two-thirds of all the members of said board.

SEC. 19. The regular meetings of the board of education shall be upon the first Monday in each month, but special meetings may be held from time to time as circumstances may demand. Special meetings.

SEC. 20. The board of education, at the close of each school year, or as soon thereafter as practicable, shall make an annual Annual report.

report of the progress, prosperity and condition, financial as well as educational, of all the schools under their charge, and said report, or such portion of it as the board of education shall consider of advantage to the public, shall be printed either in a public newspaper or in pamphlet form.

Expenditures.

SEC. 21. No expenditure involving an amount greater than two hundred dollars shall be voted, except in accordance with the provisions of a written contract.

No sectarianism.

SEC. 22. No sectarian or religious doctrine shall be taught or inculcated in any of the public schools of the city; but nothing in this section shall be construed to prohibit the use of the Holy Scriptures, without note or comment.

Exemption.

SEC. 23. All property held by the board of education for the use of public schools shall be exempt from taxation, and shall not be taken in any manner for any debt due from the city.

Repeal.

SEC. 24. All of article four (4) of an act entitled "An act to incorporate cities of the State of Kansas," approved March 4, 1862, is hereby repealed.

SEC. 25. This act shall take effect and be in force from and after its publication once in the *Leavenworth Evening Bulletin*.

Approved, February 8, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Leavenworth Evening Bulletin* for February 13, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LXVIII.

INSURANCE COMPANIES—SUPPLEMENTARY.

AN ACT supplemental to an act entitled "An act to provide for the incorporation of Fire, Marine and Life Insurance Companies," approved March 2nd, 1863.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. Any number of persons not less than seven may associate and form an incorporated company, for the following purposes, to wit: To make insurance, upon the mutual plan, on dwelling houses, stores and all kinds of buildings, and upon household furniture and other property, against loss or damage by fire and risk of inland navigation and transportation.

SEC. 2. No company, formed for the purpose of doing the business of fire, marine or inland navigation insurance upon the mutual plan, shall have power to issue policies until agreements have been entered into for insurance to the amount of at least twenty-five thousand dollars, and premium notes have been received in advance for the same; and such notes shall be negotiable and collectable for the purpose of paying any loss which may accrue, or otherwise, as provided in the charter or by-laws of such company. Issue policies.

SEC. 3. The cash premiums and premium notes of any mutual insurance company, organized under the provisions of this act, shall constitute the capital of the same. Capital.

SEC. 4. All persons insuring upon the mutual plan, in any company organized in accordance with the provisions of this act, shall constitute its members. The directors of each company shall be elected by the members thereof, but no person shall be eligible to the office of director except he hold in such company a policy in his own right on property to the amount of at least five hundred dollars. Membership.

SEC. 5. In pursuance of this act, it shall be lawful for any mutual insurance company, established in comformity with the provisions of this act, to make a cash capital to any extent, as an additional security to the members, over and above their premiums and stock notes, which additional cash capital shall be left open for accumulation, and shall be loaned and invested Cash capital.

as provided in the 7th section of the act of which this is supplementary; and the company may allow an interest on such capital, and a participation in its profits, and prescribe the liabilities of the owner or owners thereof, to share in the losses of the company in the payment of its debts. And it shall be lawful for any person or persons, applying for insurance in any mutual insurance company organized under the provisions of this act, to pay a certain definite sum of money in full for such insurance, which sum shall be fixed by the officers and directors of such company, in the table of rates, and such sum or sums of money shall be in lieu and place of a premium note, and such person or persons shall not be liable to said company, during the continuance of his, her or their policy, beyond the amount thus originally paid for such insurance.

Stockholders liable.

SEC. 6. The stockholders of any company organized under this act shall, to the amount of stock by them held, be jointly and severally liable for all debts or responsibilities of such company.

SEC. 7. All the provisions of the act to which this is supplemental, which in their nature are applicable to companies organized on the mutual plan, under the provisions of this act, shall be in force and binding upon such company.

SEC. 8. This act shall take effect and be in force from and after its publication once in the *Daily Topeka Tribune*.

Approved, February 27, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Daily Tribune* for March 1, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LXIX.

CITIES OF KANSAS—AMENDATORY.

AN ACT to amend an act entitled "An act to incorporate cities of the State of Kansas," approved March 4, 1862.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section (6) six of article one of the act entitled "An act to incorporate cities of the State of Kansas," approved March 4, 1862, be and the same is hereby so amended as to read as follows: "Section 6. The corporate name of each city or municipal corporation organized under or governed by this act, shall be the city of ——, and all and every process whatever affecting any city under this act, shall be served upon the Mayor, or in his absence, the president or acting president of the council." That section nine of article one of said act be and the same hereby is so amended as to read as follows, to wit: "Section 9. On the first Monday of April in each year, an election shall be holden by the authorities of each city governed by this act, for mayor, treasurer, clerk, marshal, recorder, and eight councilmen, four of whom shall be elected for the term of one year, and until their successors are elected and qualified, and the remaining four, one from each ward, shall be elected for the term of two years, and until their successors are elected and qualified, at which election the qualified voters of each city may cast their ballots between the hours of nine o'clock, A. M., and six o'clock, P. M.: *Provided*, that the officers elected by virtue of this act shall not assume their duties until the expiration of the term for which those now in office were elected: *Provided further*, that in cases where officers have been elected to serve more than one year, that the city authorities shall proclaim an election for so many, and for such officers only, as under the provisions of this act may be required for the government of any city." Amended.

SEC. 2. That article two of the act entitled "An act to incorporate cities of the State of Kansas," approved March 4, 1862, be and is hereby so amended as to read as follows: "Section 1. The council of each city, created or controlled by this act, shall have power, 1st. To levy and collect taxes for general

purposes, not exceeding ten mills on the dollar in any one year, on all the property within the limits of the city, taxable according to the laws of the State, the valuation of such property to be taken from the books of the County Assessor of the proper county. And it shall be the duty of the County Clerk to make out for any city, from the county assessment rolls, when requested by the city, an assessment roll of all the property liable to taxation as above specified, and deliver the same to the clerk of the city, and he shall receive therefor such compensation as the city council deems just. 2d. To provide for the sale of real estate for the non-payment of any taxes due thereon, and for the time and manner of redemption of the same and conveyance thereof: *Provided*, that the owner thereof may redeem the same at any time within two years after the day of sale, by the payment of the full amount of said tax and all taxes subsequently paid thereon by the purchaser, and all costs, penalties and charges thereon, together with interest at twenty-five per cent. per annum thereon. 3d. To impose a poll tax not exceeding one dollar, on all able bodied males between the ages of twenty-one and fifty years. 4th. To levy and collect a license tax on auctioneers, hawkers, peddlers, liquor sellers, pawn brokers, taverns, dram shops, shows and exhibitions for pay, billiard tables, ball and ten-pin alleys, without regard to the number of pins the same may have, hacks, drays, wagons or other vehicles used within the city for pay, theaters and theatrical exhibitions for pay. 5th. To restrain, prohibit and suppress tippling shops, billiard tables, ten-pin alleys, ball alleys, houses of prostitution and other disorderly houses and practices, games and gambling houses, desecrations of the Sabbath day, commonly called Sunday, and all kinds of public indecencies. 6th. To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws for that purpose, and enforce the same within five miles of the city. 7th. To erect, establish and regulate hospitals, work-houses and poor-houses, and provide for the government and support of the same. 8th. To make regulations to secure the general health of the city, and to prevent and remove nuisances, and to provide the city with water. 9th. To establish, regulate and support night watch and police,

and define the powers and duties of the same. 10th. To provide for the lighting of the streets and the erection of lamp posts. 11th. To erect and establish market houses and market places, and to regulate and govern the same, and to provide for the erection of all other useful and necessary buildings for the use of the city. 12th. To provide for, and cause to be taken, the enumeration of the inhabitants of the city. 13th. To provide by ordinance for the election of city officers, prescribing the manner of conducting the same and the returns thereof, and for deciding contested elections. 14th. To provide for removing officers of the city for misconduct, whose offices are created and made elective by this act; and shall have power to create any office that they may deem necessary for the good government and interest of the city. 15th. To regulate the police of the city, and to impose fines, forfeitures and penalties for the breach of any ordinance, and also for the recovery and collection of the same; and in default of payment, to provide for confinement in the city prison, or to hard labor in the city. 16th. To regulate and prescribe the powers and duties and compensation of the officers of the city, not heretofore provided for. 17th. To require from all officers and servants elected or appointed in pursuance of this act, bonds and security for the faithful performance of their duties. 18th. To borrow money on the credit of the city, and pledge the revenue and public property of the city for the payment thereof: *Provided*, that there shall not be paid, directly or indirectly, on any indebtedness that may hereafter accrue, a greater rate of interest than seven per cent. per annum, nor shall a greater debt hereafter be contracted than twenty-five thousand dollars, unless two-thirds of the votes cast, at a poll to be opened for that purpose, shall authorize the same. 19th. To appropriate money and provide for the payment of the debts and expenses of the city. 20th. To apportion the representation in the city council according to the population of each ward. 21st. To elect one of their own body, who shall be styled the 'president of the council,' and who shall preside at all meetings of the council in the absence of the mayor; and, in the absence of the president, to elect one of their own body to occupy his place temporarily, and who shall be styled 'Acting

President of the Council,' and the president and acting president, when occupying the place of the mayor, shall have the same privileges as other members of the council, and all acts of the acting president, while so acting, shall be as binding upon the council and upon the city as if done by the president. All ordinances of the city shall be passed pursuant to such rules and regulations as the council may provide, and all ordinances of the city may be proven by the certificate of the clerk, under the seal of the city, and when printed or published in book or pamphlet form, and purporting to be printed and published by authority of the city, shall be read and received in all courts and places without further proof. The council shall cause to be published, once in each year, a statement of the receipts and expenditures of the city, and a statement of the financial condition of the city."

Duty of council.

SEC. 3. The council of each city created or controlled by this act shall also have power to vacate, open, widen, extend, grade, pave, macadamize, curb and gutter, and keep in repair, or otherwise improve, in any manner they may deem proper, any street, sidewalk, alley, avenue or lane within the limits of the city; and, to defray the cost and expense of such improvements, or any of them, such council shall have power to levy and collect special taxes upon the lots and pieces of ground adjacent to the street, sidewalk, alley, avenue or lane improved or to be improved as aforesaid. Said taxes shall be levied on the lots and pieces of ground to the center of the block, and extending along the street, sidewalk, alley, avenue or lane, the distance improved or to be improved; and said taxes may be levied in either of the following ways: First, on the lots and pieces of ground, according to their value, having regard to the improvements thereon, which value shall be ascertained by three appraisers, to be appointed by the mayor; second, on the lots and pieces of ground, according to their value, without regard to the improvements thereon, which value shall likewise be ascertained by three appraisers; third, on the lots and pieces of ground, according to their area. When the tax is to be levied according to either of the first two ways above specified, it shall be the duty of the appraisers, after making their appraisement, to meet at the city clerk's office, on some day

to be fixed by them, and hear any complaint as to their valuation of any lot or piece of ground, or any other complaints touching their proceedings, and they may alter their valuation of such lot or piece of ground as they may deem proper; notice of the time and place of such meeting to be published in some newspaper of the city for two days.

Special tax.

SEC. 4. Said special taxes shall be due and may be collected as the improvements are completed in front of or along any lot or piece of ground, or at the time the whole improvement is completed, according as shall be provided in the ordinance levying the tax; but if no time is thus specified, they shall not be due until the whole improvement is completed. Such taxes, if not paid within thirty days after becoming due, shall have added thereto a penalty of 10 per cent., and shall bear interest from day of sale at the rate of 25 per cent. per annum, to be computed on the tax, penalty and costs of sale.

Tax certificates.

SEC. 5. When the special tax is levied, it shall be the duty of the engineer of the city to calculate the amount of the tax on any lot or piece of ground, and file a statement thereof with the city clerk, who shall, as soon as the tax is due on any lot or piece of ground, give a certificate to the contractor for such lot or piece of ground, describing the lot or piece of ground, and stating the amount of tax due thereon, the name of the person or persons entitled thereto, and the purpose for which the tax is levied; and such certificate, so given by the clerk, shall be the tax warrant of the contractor.

Sale and conveyance.

SEC. 6. The council of each city created or controlled by this act shall also have power to provide for the sale and conveyance of any lot or piece of ground, for the non-payment of said special taxes, and the deeds given to convey the same may be recorded in the office of register of deeds, as other conveyances: *Provided*, that any lot or piece of ground may be redeemed at any time within two years from the day of sale, by paying to the city treasurer the tax, penalty, costs and interest. The conveyance shall be to the person owning the certificate of sale at the time the deed or conveyance is given.

Tax.

SEC. 7. The special taxes to be levied and collected for the improvements, or any of them, mentioned in section two [three] of this article shall be levied and collected as one tax.

Cost.

SEC. 8. The cost and expense of grading, filling, paving, macadamizing, curbing and guttering or otherwise improving streets, sidewalks, alleys, avenues or lanes, at their intersections, may be included in the special tax levied for the improvement of any one street, sidewalk, alley, avenue or lane, as deemed just by the council.

SEC. 9. It shall not be necessary in any case to specify the owner's name of the lot or piece of ground, nor shall any omission of any lot or piece of ground, or any irregularity or mistake in any of the steps or proceedings taken in the levying and collection of any of the taxes mentioned in this article, vitiate such tax, or the certificate of sale, or the tax deed, but such tax, certificate of sale and tax deed, shall be as valid to all intents and purposes whatever, as if said steps and proceedings were regular in all respects. And any certificate of the sale of any lot or piece of ground and the deed given for the same, on account of the non-payment of the tax, shall be *prima facie* evidence of the validity of the tax and regularity of all steps and proceedings had for the levying and collection thereof. It shall be sufficient in any case to describe the lot or piece of ground as the same is platted and recorded, although the same may belong to several persons; but in case any lot or piece of ground belongs to different persons, the owner of any part thereof may pay his proportion of the tax on such lot or piece of ground, and his proper share may be determined by the city treasurer.

Improvements.

SEC. 10. When any improvement, contemplated in section two [three] of this article, is completed according to contract, it shall be the duty of the engineer of the city to carefully inspect the same, and if the improvement is found to be properly done, such engineer shall accept the same, and forthwith report his acceptance thereof to the city council, who may confirm or reject said acceptance by resolution: *Provided*, that when the ordinance levying the tax makes the same due as the improvement is completed in front of or along any lot or piece of ground, then the engineer may accept the same in sections, from time to time, if found to be done in accordance with the contract, always reporting his acceptance to the city council for confirmation or rejection, as aforesaid. If the council

confirm the engineer's acceptance, then such acceptance shall be final and conclusive evidence in all cases and between all parties, that said improvement so accepted is done in accordance with the terms of the contract therefor, and no court can in any case, or in any way or manner whatever, no matter who may be the parties to the action or proceeding, inquire into the question whether the improvement so accepted is done in accordance with the terms of the contract, or not.

No city liable.

SEC. 11. No city shall be liable in any event to contractors who may make improvements as contemplated in the second [third] section hereof, but such contractors shall look exclusively to the special tax for their pay: *Provided*, that the city levies a legal tax.

SEC. 12. The provisions of this act, so far as in their nature they are applicable, shall apply to, and regulate and control, the levying and collection of special taxes for improvements now being made, as well as to those hereafter to be made, on any street, sidewalk, alley, avenue or lane, and sales may be made and conveyances given for non-payment of such taxes, as herein provided. All certificates of sale given to purchasers at tax sales shall be assignable.

Certificate of sale assignable.

Amendments.

SEC. 13. That section twenty-one (21) of article three (3) of said act be and the same hereby is amended so as to read as follows, to wit: "Section 21. The mayor shall have power to sign or veto any ordinance passed by the city council: *Provided*, that any ordinance vetoed by the mayor may be passed over the veto by a vote of two-thirds of the members of the council voting, notwithstanding the veto; and should the mayor neglect or refuse to sign any ordinance, and return the same, with his objections in writing, at the next meeting of the council, the same shall become a law without his signature." That section twenty-five (25) of said act be and the same hereby is amended so as to read as follows, to wit: "Section 25. That he shall be conservator of the peace throughout the city, and he shall at all times have power, by and with consent of the city council, to appoint any number of special policemen which he may deem necessary to preserve the peace of the city, and to dismiss the same at pleasure.

Provisions added

SEC. 14. That the following provisions be and the same

hereby are added to said act, which shall constitute article six (6) thereof, and shall read as follows, to wit: "Article six (6), Section 1. That the recorder shall, by virtue of his office, be a justice of the peace, and shall have all the powers conferred or to be conferred by law upon justices of the peace, except in civil cases; said recorder shall have exclusive jurisdiction to hear and determine all offenses against the ordinances of the city, and all cases of misdemeanors under the laws of this State, arising within the limits of said city, in which the fine which may be imposed does not exceed one hundred dollars or the imprisonment one year, and shall have exclusive original jurisdiction of all offenses against the laws of the State committed within the limits of said city. Section 2. That whenever complaint shall be made to the said recorder, upon the oath or or affirmation of any person competent to testify against the accused, that a misdemeanor as aforesaid has been committed, the recorder shall forthwith issue a warrant for the arrest of the offender, which warrant shall be served by the city marshal or the sheriff of the county, or some person specially appointed to [by] the recorder for that purpose."

Recorder—duty of.

SEC. 15. That, when any person shall be brought before the recorder upon such warrant, it shall be his duty to hear and determine the complaint alleged against the defendant.

SEC. 16. That, upon good cause shown, the recorder may postpone the trial of the case to a day certain, in which case he shall require the defendant to enter into recognizance, with sufficient security, conditioned that he will appear before the recorder at the time and place appointed, then and there to answer the complaint alleged against him.

SEC. 17. That it shall be the duty of the recorder to summon all persons whose testimony may be deemed material, as witnesses at the trial, and to enforce their attendance by attachment, if necessary; and when a trial shall be continued by the recorder, he may verbally notify such witnesses as may be present at the continuance to attend before him, to testify in the cause set for trial, and such verbal notice shall be as valid as a summons. Each witness shall receive the sum of fifty cents for each day's attendance.

SEC. 18. That all trials before the recorder for misdemeanors, arising under the laws of the State, shall be by a jury of

six competent men, unless the defendant and prosecuting attorney, with the assent of the recorder, submit the trial to the recorder. Each juryman shall receive fifty cents for each day's attendance.

Duty of recorder.

SEC. 19. That if the defendant is found guilty, the recorder shall declare the punishment, and render judgment accordingly. It shall be part of the judgment that the defendant stand committed till the judgment be complied with, and any defendant committed under the provisions of this act, for a misdemeanor against the laws of the State, may be discharged in the same manner as if he had been committed by the district court.

SEC. 20. That in all cases not herein specially provided for, the process and proceedings before the judgment shall be governed by laws regulating proceedings in justices' courts in criminal cases.

Trials by jury.

SEC. 21. That in trials by a jury, before the recorder, challenges shall be allowed in the same manner as in the district court.

Court open every day except Sunday.

SEC. 22. That the recorder shall be conservator of the peace, and his court shall be open every day except Sunday, to hear, try and determine any and all cases cognizable before him, and he shall have power to bring parties forthwith before him for trial.

Appeal.

SEC. 23. That in all cases before the recorder, arising under the ordinances of the city, wherein the fine assessed exceeds twenty dollars, or the imprisonment one month, an appeal may be taken by the defendant to the court having criminal jurisdiction in and for the county in which said city is situated; but no such appeal shall be allowed, unless such defendant shall, within ten days, enter into recognizance with sufficient securities, to be approved by the recorder, conditioned for the payment of the fine and costs of appeal, if it should be determined against the appellant.

Fine.

SEC. 24. That any person convicted before the recorder of offense under the ordinances of the city, shall be punished by fine and imprisonment, as may be regulated by ordinance.

Vacancy—how filled.

SEC. 25. That in case of a vacancy in the office of recorder by death, resignation or otherwise—in case of his absence, interest or disability to perform his duty, it shall be the duty of

any acting justice of the peace of the township, who shall be designated by the mayor, to act as recorder during such vacancy, absence or disability in the trial of causes cognizable before the recorder.

SEC. 26. That if, upon any trial under the provisions of this article, it shall appear to the satisfaction of the recorder or the jury that the prosecution was commenced without probable cause, or from malicious motives, the jury or recorder trying the case shall state the name of the prosecutor or prosecutors in the finding, and shall impose the costs of the prosecution upon him or them, and judgment shall be rendered against such prosecutor or prosecutors; that he or they pay such costs, and stand committed until the same is paid.

Contempt.

SEC. 27. That the recorder shall have power to enforce due obedience to all orders, rules, judgments and decrees made by him; and he may fine or imprison for contempt offered to him while holding his court, or to process issued by him, in the same manner and to the same extent as the district court.

Fines and penalties.

SEC. 28. That all fines, penalties and forfeitures collected for offenses against the ordinances of the city, shall be paid into the city treasury, and all fines, penalties and forfeitures collected for misdemeanors against the laws of the State, shall be paid into the county treasury, for the benefit of common schools in said city.

Compensation.

SEC. 29. That the several officers herein specified of any city governed by this act shall, respectively, be allowed the yearly compensation herein named, inclusive, of such fees as shall be allowed by the city council, and no more; such compensation to be paid as regulated by the said council: the mayor fifteen hundred dollars, the clerk twelve hundred dollars, the treasurer fifteen hundred dollars, the marshal fifteen hundred dollars, the attorney fifteen hundred dollars; the recorder shall receive the same fees as are established by law for justices of the peace: *Provided*, that all fees received by him in any one year exceeding the aggregate sum of eighteen hundred dollars shall be paid into the city treasury. Each of the officers named in this section shall, at the end of each month, submit to the city council an accurate statement, under oath, of the amount of fees received by him during such month.

SEC. 30. That nothing in this act shall be construed to repeal or in any way affect any ordinance now in force, or to affect, in any way, any action now pending by or against cities, unless such ordinance or action contravenes the provisions of this act. Repeal.

SEC. 31. That the original article two (2) of the act to which this is amendatory, and the original sections six and nine of article one, and the original sections one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one and twenty-five of article three of the act, be and the same are hereby repealed: *Provided*, that the mayor of any city governed by this act, now in office, shall have, use and exercise all powers, jurisdictions and authorities conferred by existing laws until the term for which he has been elected shall have expired.

SEC. 32. This act shall, immediately after its approval by the Governor, be published once in the *Leavenworth Daily Times*, and shall take effect and be in force from and after its publication.

Approved, February 24, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Leavenworth Daily Times* for February 29, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LXX.

LEAVENWORTH, LAWRENCE AND FORT GIBSON RAILROAD COMPANY.

AN ACT to amend an act entitled "An act to incorporate the Leavenworth, Lawrence and Fort Gibson Railroad Company."

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section one of an act entitled "An act to incorporate the Leavenworth, Lawrence and Fort Gibson railroad company," passed February 12, A. D. 1858, be amended so as to read as follows: "That John B. Chapman, Hudson Burriss, F. P. Whicker, Joel C. Green, Adam Fisher, Milton M. Hause, Henry J. Adams, G. A. Reynolds, E. D. Ladd, John Speer, S. B. Prentiss, G. W. Deitzler, William Spriggs, H. J. Canniff, Charles Hidden, Darius Rogers, R. Stees, and their associates, are hereby constituted a body politic and corporate, by the name and style of the Leavenworth, Lawrence and Fort Gibson Railroad Company, and, under that name and style, shall be capable of suing and being defended in any courts of competent jurisdiction in law or equity. They may make and use a common seal, alter and renew the same at pleasure; and, by that name and style, said company shall be capable of contracting and being contracted with, and are hereby invested with all the powers, privileges, immunities and franchises of acquiring, by purchase or otherwise, all kinds of property, and holding and conveying real and personal estate."

SEC. 2. That section two of said act be amended so as to read as follows: "That the capital stock of said company shall be two millions of dollars, and may be increased to five millions by the board of directors, if necessary for the business of the company. The stock shall be divided into twenty thousand shares, (or more, if the capital stock shall be increased), of one hundred dollars each share, and shall be deemed personal property, issued and transferred as may be ordered by the by-laws and ordinances of the board of directors of said company."

SEC. 3. That section three of said act be amended so as to read as follows: "That said company is hereby authorized and

empowered to survey, locate, construct, alter, maintain and operate a railroad, with one or more tracks, from the city of Leavenworth, on the most practicable and convenient route, by the way of the town of Lawrence, and *via* the Ohio City crossing of the Osage river, through the counties of Anderson and Allen, to the southern line of the State of Kansas, in the direction of Galveston bay, Texas, with a branch from Lawrence, by the valley of the Wakarusa river, to the point on the Atchison, Topeka and Santa Fe railroad where said road intersects the Neosho river."

SEC. 4. That section four of said act be amended so as to read as follows: "That said company is hereby authorized to take, and shall have the right of way upon, and may appropriate to its sole use, for the purposes contemplated herein, land not exceeding one hundred feet in width, through the entire length of said road and branch, upon such route as may be determined; and, for the purposes of depots, station houses, machine shops, side tracks, cuttings and embankments, or for building engine houses or shops, wood and water stations, and for all other necessary purposes, may take as much land, earth or material as may be necessary for constructing, completing, operating, preserving and maintaining said road."

SEC. 5. That section five of said act be amended so as to read as follows: "That all land and materials, or any necessary privilege that may be desired on lands or materials, belonging or accruing to this State, or any county or township, are hereby granted to said railroad company, for the purposes named in the preceding sections; and said company may construct said road on or across other railroads, rivers or streams which may intersect, but not to impair their usefulness."

SEC. 6. That section six of said act be amended so as to read as follows: "That it shall be lawful for said company, their officers, agents, engineers, and such persons as may be employed by them for the purpose of exploring, surveying or locating said road, to enter upon any lands, doing no unnecessary injury, without the consent of the owner; and may acquire by gift, grant, contract, release, donation or otherwise, any lands or property whatever, and may hold the same in any manner deemed best by the company."

SEC. 7. That section seven of said act be amended so as to

read as follows: "That if said company cannot obtain the right of way by purchase or otherwise, or if the owners refuse to agree upon the terms, or when the owner is unknown, non-resident, idiot, or under age, said company may make application to the judge of the district court, or any justice of the peace where the lands lie or are situated in his county, upon notice posted ten days in some public place, asking the appointment of commissioners to appraise the damages to the lands required for the road."

SEC. 8. That section eight of said act be amended so as to read as follows: "That upon such application being made to such judge or justice of the peace, he shall appoint three disinterested persons commissioners to appraise such land or damages to property. Such commissioners shall take an oath to faithfully and impartially perform their duties to the best of their judgment. They shall give public notice of the time and place for hearing the parties, and may examine the lands and determine the damages, if any, and may adjourn from time to time, if necessary. They, or a majority of them, shall make up and sign an award to the parties, embracing a description of the land, the amount of damage, if any, and make return of their doings to the clerk of the county or district court; and on the payment of the damages, if any, the property shall vest absolutely in the company. But should either party feel aggrieved by the verdict of the commissioners, they may appeal, as in other cases of appeal from the verdict of a jury before a justice of the peace, and the case shall be tried in the same way."

SEC. 9. That section nine of said act be amended so as to read as follows: "That, if any person or persons shall carelessly, willfully or maliciously hinder, delay or obstruct the workmen on said road, or the passage of trains, or shall place any obstruction on the track, or in any way injure or destroy any mark, stake, tools, cars, or other property whatsoever of said railroad company, or pertaining to it, or aid or abet in the commission of such trespass, all such persons shall forfeit and pay said company, its agents or servants, three-fold the amount of damages done, recoverable before any court of competent jurisdiction, and be liable to indictment and imprisonment for five years."

SEC. 10. That section ten of said act be amended so as to read as follows: "That all the corporate powers of said company shall vest in and be exercised by a president and board of directors, and such officers and agents as said board may appoint, and no person shall be eligible to be elected or to serve as president or director for said company who is not a stockholder and owner of one or more shares of the stock of said company."

SEC. 11. That section eleven of said act be amended so as to read as follows: "That all elections shall be by ballot, and each share shall have one vote, by person or by proxy. The president shall be elected by a majority of the votes of the company, on the first Monday of June, and serve for two years, and until his successor is elected and qualified; and the directors, or any three of them, shall act as judges of election."

SEC. 12. That section twelve of said act be amended so as to read as follows: "The stockholders shall elect thirteen directors annually, on the first Monday of June, who shall continue in office until their successors are elected and qualified. Any five of the directors, with the president, shall be a quorum to transact business; and, in case of vacancy, by refusal to serve, resignation, or otherwise, of a director, the board shall fill the vacancy. In the absence of the president at any meeting of the board of directors of said company, seven of said directors shall constitute a quorum for the transaction of business. The secretary of said company shall, at the written request of five members of the board of directors, call meetings of said board, by directing to each member thereof a written notice of the time and place of such meeting. A majority of the board of directors may, for cause, declare the office of president vacant, and, in case of vacancy in the office of president, the board of directors shall appoint one of their own number president, to serve till the next annual election. The secretary shall give three weeks' public notice of annual elections, by advertisement in some newspaper published in the town where the principal office of the company is located."

SEC. 13. That section thirteen of said act be amended so as to read as follows: "That the president and board of directors shall have power and authority to make such by-laws, ordinances,

rules and regulations as they may deem expedient for the interest of the company, and alter and amend the same at pleasure."

SEC. 14. That section fourteen of said act be amended so as to read as follows: "That said board of directors shall have power to establish such rates of fare and transportation of goods and wares, and collect the same, and govern all matters and things respecting the use of the road, as may be necessary."

SEC. 15. That section fifteen of said act be amended so as to read as follows: "That Hudson Burriss, Joel C. Green, H. C. Justice, F. P. Whicker, Milton M. Ham, Adam Fisher, Henry J. Adams, G. A. Reynolds, E. D. Ladd, John Speer, Darius Rogers and R. B. Jordan, or any five of them, with the president, shall form and constitute the first board of directors, and John B. Chapman the first president of the company."

SEC. 16. That section sixteen of said act be amended so as to read as follows: "That it shall be the duty of the president to preside at all meetings of the board, when present, and, in his absence, the board may appoint a president *pro tem.* He shall sign all orders, certificates, obligations and contracts, in the name of the company, and to see that all orders of the company, and the by-laws and regulations made by them, are fully carried out and executed."

SEC. 17. That section seventeen of said act be amended so as to read as follows: "That the board of directors shall appoint all necessary officers and servants, and remove the same at pleasure. It shall fix the salaries of its officers and compensation of servants, and for services generally."

SEC. 18. That section eighteen of said act be amended so as to read as follows: "That the company may demand such security from its officers as it may deem expedient. The company may take, for subscription of stock, land or any other kind of property, bonds, notes, bills, or any other evidence of debt; and the company may borrow money on its own credit and the credit of the road and the property thereof, and issue their bonds for said debts, and make all other obligations, on such terms as the parties may agree upon."

SEC. 19. That section nineteen of said act be amended so as to read as follows: "That the company shall establish one or

more offices on the line of the road from Leavenworth to the State line, at any one of which offices a summons, directed to the president, left with the officer in charge of said office, shall be sufficient service of process in case of suit."

SEC. 20. That section twenty of said act be amended so as to read as follows: "The board of directors shall provide for the manner and time of payment of stock, and the conditions on which certificates shall issue to stockholders."

SEC. 21. That section twenty-one of said act be amended so as to read as follows: "That the directors shall advertise for the payment of the capital stock at such times and places as they may direct, and for such amount of stock, not to exceed five per cent. on the amount subscribed, every six months. Any stockholder failing to make payment of the legal amount required, after thirty days' notice has been given, the company may recover the same, with interest; and no delinquent stockholder shall vote at any election of the company."

SEC. 22. That section twenty-two of said act be amended so as to read as follows: "That dividends of the profits of the road shall be made every six months, or oftener, if necessary, as may be ordered by the board of directors."

SEC. 23. That section twenty-three of said act be amended so as to read as follows: "That said company shall complete said road to the southern boundary of the State of Kansas, on or before the third day of March, A. D. 1873."

SEC. 24. That section twenty-six (26) of the act to which this act is amendatory be and the same is hereby repealed.

SEC. 25. This act shall be in force from and after its passage.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXXI.

TOWNS AND VILLAGES.

AN ACT entitled "An act to amend an act incorporating towns and villages," approved February 1, 1859.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section four of the act to which this is amendatory, be amended so as to read as follows: "Every trustee, before entering upon the duties of his office, shall take an oath to support the constitution of the United States and constitution of the State of Kansas, and faithfully to demean himself in office; and every board of trustees shall assemble, within twenty days after their appointment or election, and choose a chairman from their own number, who shall have the jurisdiction and powers of a justice of the peace in criminal cases. The board of trustees shall, by ordinance, fix the time and place of holding their stated meetings, and may be convened by the chairman at any time."

SEC. 2. That section four of the act to which this is amendatory is hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved, February 19, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXXII.

CITY OF MARYSVILLE.

AN ACT to amend an act entitled "An act to incorporate the City of Marysville."

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section one of article two of the act entitled "An act to incorporate the city of Marysville," approved February 2, 1861, be amended to read as follows: "That the permanent officers of said city of Marysville shall be mayor, five

Amendment.

aldermen, city clerk, marshal, treasurer, and such other officers as may be created by ordinance."

SEC. 2. That section two, article two of said act be amended to read as follows: "That no person shall be eligible to an elective office unless he shall have resided within the corporate limits of said city three months preceding his said election."

SEC. 3. That section one, article three, be amended to read as follows: "That there shall be in said city a city council, which shall consist of a mayor and board of aldermen, which board of aldermen shall consist of five members, said members to be chosen in the respective wards of the city, as they may be apportioned thereto by ordinance."

SEC. 4. That section eight, article three, be amended to read as follows: "That in case of a vacancy in the aldermen of said city, such vacancy shall be filled by the mayor and aldermen at any regular meeting."

SEC. 5. That section nine, article three, be amended to read as follows: "That all officers, either elected or appointed, shall, before entering upon their duties, and within ten days after their election, take and subscribe an oath that they will support the constitution of the United States, and the constitution of the State of Kansas, and faithfully comply with and carry out the provisions of the charter to which this is amendatory, and well and truly perform the duties of their office impartially and to the best of their skill and ability; and upon refusal to take the oath in the time required by this act, the office to which such person was elected shall be declared vacant."

Mayor to execute bond, &c.

SEC. 6. That the mayor of said city shall execute a bond within the time required by officers to take and subscribe the oath of office, which bond shall be similar to a bond required by a justice of the peace, which shall be approved by the County Clerk, and filed in his office."

Repeal.

SEC. 7. That sections one and two, article two, and that sections one, eight and nine, article three of said act, be and the same are hereby repealed.

This act to take effect from and after its publication.

Approved, February 9, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXXIII.

CITY OF PAOLA.

AN ACT supplemental to an act to incorporate the city of Paola, approved February 27, 1860.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the mayor of the city of Paola shall be, *ex officio*, recorder, and shall perform all the duties of such office, as prescribed in article four of an act entitled "An act to incorporate the city of Paola," approved February 27, 1860.

SEC. 2. That an election shall be held on the first Monday in March, 1864, agreeably to the proclamation already made by the acting mayor of said city, F. W. Wilgus, for an election of officers to fill the vacancies already existing in said city, as well as for the officers of the ensuing term, and that the officers so elected shall be vested with all the powers devolving on said officers, notwithstanding any informalities existing in the want of a proper ordinance of the city council of said city, authorizing or providing for such an election.

SEC. 3. This act to take effect and be in force from and after its passage.

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXXIV.

INSURANCE COMPANIES.

AN ACT to amend an act entitled "An act to regulate agencies of Insurance Companies not incorporated by the State of Kansas," approved February 20, 1863.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section four (4) of said act be changed and amended so as to read as follows, to wit: "The statement and evidences of investment required by this act, shall be renewed

annually in the month of February in each year, and said statement shall contain a full summary of the affairs of such company upon the thirty-first day of December last preceding, the first statement to be made at any day such agent or agents may commence business; and the Auditor of State, on being satisfied that the capital securities and investments remain secure as at the first, shall furnish a renewal of certificate as aforesaid, and the agent or agents obtaining such certificate shall file the same, together with the statement on which it was obtained or renewed, in the office of the clerk of the district court of the county in which such agency is established, and shall cause the same to be published in at least one newspaper published in the county, for at least three weeks.

SEC. 2. Section four (4) of the act to which this is amendatory is hereby repealed.

SEC. 3. This act shall be in force from and after its publication once in the *Topeka Tribune*.

Approved, February 25, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 1, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LXXV.

BUREAU OF IMMIGRATION.

AN ACT to establish a Bureau of Immigration, and appoint agents therefor.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the Governor be and he is hereby empowered to appoint, by and with the consent of the Senate, two Commissioners of Immigration, who, together with the Governor, shall constitute a bureau of immigration, which shall

Appointment of commissioners.

have power to appoint one or more agents to visit Europe for the purpose of encouraging and directing immigration to this State; to make contracts with railroad and packet companies for the purpose of securing a low rate of fare to immigrants, and to perform such other functions as may be necessary to secure the ends aimed at in this act: *Provided, however*, that said bureau of immigration, or its agents, shall not, under any consideration, involve the State in any indebtedness or expense in amount exceeding the sum appropriated by this act.

Duty of bureau.

SEC. 2. The bureau of immigration shall each year collect and compile, for publication in an annual report to the Legislature, and also in such other forms as they may judge best and necessary to aid the object of the bureau, all statistics and facts relating to the character and resources of this State, the amount of money received and expended by them, and all such other information as shall be of general interest to the State, and calculated to subserve the designs of this act.

SEC. 3. It shall be the duty of the faculty of the State Agricultural College, of the State Normal School, and of the State University, when organized, to carefully preserve a daily meteorological record, which, with all such other information relative to climate, soil, minerals, and all other scientific facts bearing upon the resources of the State that such faculties may be able to gather, shall be forwarded for publication to the office of the bureau at the capital.

Duty of County Assessor.

SEC. 4. It shall be the duty of the County Assessors of the several organized counties in the State, to prepare annually a report of the amount of lands in their several counties, what proportion may be vacant, what under cultivation, and all such other information as they may possess, tending to increase a knowledge of the various counties of the State, and forward the same to this bureau.

State Geologist to report.

SEC. 5. It shall be the duty of the State Geologist to prepare an abstract of such investigations he may have made as to the soil, minerals, coal, salt springs, and other information which came within the legitimate duty of this office to gather, at such times as the bureau of immigration may require.

Five thousand dollars appropriated.

SEC. 6. That the sum of five thousand dollars ($5,000) be and the same is hereby appropriated out of any moneys not

otherwise appropriated, for the purpose of defraying the expenses of agents to be sent to Europe, and other expenses incidental to the operations of this bureau; and the Governor is hereby empowered to direct the Auditor to draw his warrants upon the Treasurer for such amounts as the bureau shall deem proper, not exceeding the above amount, such vouchers to be marked "Immigration Fund," and the State Treasurer shall pay each at sight.

SEC. 7. The aforenamed Commissioners shall enter upon their duties on the first day of April, A. D. 1864, and remain in office for one year, and shall take the required oath of State officers, and shall each give bonds in the amount of two thousand dollars ($2,000), to be approved by the Governor, conditioned to faithfully perform the duties required by their appointment and this act. Tenure of office.

SEC. 8. The bureau of immigration shall, as much as possible, encourage and try to effect the organization of a State immigration society, which shall co-operate with this bureau in aid of immigration.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXXVI.

STATE TREASURER TO PAY INTEREST ON BONDS.

AN ACT to authorize the State Treasurer to pay the interest on certain State bonds at the city of New York.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the State Treasurer is hereby authorized to pay, at the city of New York, the interest on bonds of the State of Kansas, issued under the provisions of an act entitled

"An act to fund the Territorial debt," approved Feb. 20, 1863.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXXVII.

CITY OF LAWRENCE—SUPPLEMENTAL.

AN ACT supplemental to an act entitled "An act to amend and consolidate the several acts relating to the city of Lawrence," approved February 27, 1860.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That when any vacancy shall occur in the office of mayor or councilmen of the city of Lawrence, by death, resignation, removal from office, refusal to qualify, or permanent absence, it shall be the duty of the mayor or president of the council for the time being to cause a new election to be held, giving ten days' notice thereof, by proclamation; and, in case there should at any time be no president of the council elected, and there be not a sufficient number of the council in existence to form a quorum, then the majority of the remaining members shall have the power to cause an election to be held, by giving ten days' public notice thereof.

Municipal election.

SEC. 2. This act to take effect and be in force from and after its publication once in the *Lawrence Daily Tribune*, which shall constitute such publication.

Approved, January 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Lawrence Daily Tribune* for Feb. 2, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LXXVIII.

CITY OF LAWRENCE—AMENDATORY.

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved June 4, 1861."

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section one of an act entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved June 4, 1861," be amended so as to read as follows: "The district of country contained within the following limits, to wit: beginning at a point in the middle of the channel of the Kansas river, where the line between the north and south halves of the northwest quarter of section thirty, township twelve, south of range twenty, east of the sixth principal meridian, crossing said river; thence, in a westerly direction, to a post on the bank of said river, being the northeast corner of Wyandotte reserve No. five; thence, due west, to the line between the east and west halves of section twenty-five, township twelve, south of range nineteen; thence south, to the center of said section; thence west, on the quarter-section line, to the quarter-section corner between sections twenty-five and twenty-six; thence south, on the section line, to the corner of sections twenty-five, twenty-six, thirty-five and thirty-six; thence east, on the section line between sections twenty-five and thirty-six, to the east line of Illinois street, in the city of Lawrence; thence south, fifteen hundred and fourteen feet, to the south line of Warren street, in said city; thence east, nine hundred and twenty-nine feet, to the east line of section twenty-six; thence south, to the quarter-section corner in the east line of said section thirty-six; thence west, on the quarter-section line, fifteen and seventeen hundredths (15.17) chains; thence south, to the south line of Adams street; thence east, on said line of Adams street, fifteen and seventeen hundredths chains, to the east line of section thirty-six; thence south, to the southeast corner of section thirty-six; thence east, on the township line, fifty-eight and fifty-two hundredths (58.52) chains, to a stone; thence

north, forty and six hundredths (40.06) chains, to a stone, the northeast corner of the west half of the southeast quarter of section thirty-one; thence east, on the quarter-section line, seven and forty-one hundredths (7.41) chains; thence due north, to the center of the channel of the Kansas river; thence, up said channel, to the place of beginning—is hereby erected into a city, by the name of the City of Lawrence; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name and style of the City of Lawrence, and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, defend and be defended, in any and all courts of law or equity, and in all actions whatsoever, may contract and be contracted with, may purchase, receive and hold property, both real and personal, within said city, and may sell, lease, convey or otherwise dispose of the same, for the benefit of the city; may purchase, receive, hold, lease or convey property, both real and personal or mixed, beyond the limits of the city, to be used for the burial of the dead, for the erection of waterworks, for the establishment of hospitals, poor-houses, workhouses, houses of correction, or for any purpose which tends to the general good of the city; and may have a common seal, and change the same at pleasure. The corporate powers and duties of said city shall be vested in a mayor and board of councilmen, to be called the city council."

SEC. 2. That section one of an act entitled "An act to amend an act entitled 'An act to amend and consolidate the several acts relating to the city of Lawrence,' approved June 4th, A. D. 1861," be and the same is hereby repealed.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, February 24, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXXIX.

GRANT OF LANDS.

AN ACT to accept a grant of lands made to the State of Kansas by the Congress of the United States, to aid in the construction of certain railroads and telegraphs in said State, and to apply the same to construction of such roads and telegraphs.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The State of Kansas hereby accepts the grant of lands made to this State by the Congress of the United States, by act entitled "An act for a grant of lands in the State of Kansas in alternate sections, to aid in the construction of certain railroads and telegraphs in said State," approved March 3, 1863, upon the terms and conditions set forth in said act of Congress. Acceptance.

SEC. 2. In consideration that the Leavenworth, Lawrence and Fort Gibson Railroad and Telegraph Company shall construct a railroad and telegraph from the city of Leavenworth, by the way of the town of Lawrence, and *via* the Ohio City crossing of the Osage river to the southern line of the State, in the direction of Galveston Bay, in the State of Texas, with a branch from Lawrence by the valley of the Wakarusa river, to the point on the Atchison, Topeka and Santa Fe railroad, where said road intersects the Neosho river; the State of Kansas hereby agrees to grant, bargain and sell to said Leavenworth, Lawrence and Fort Gibson Railroad Company, all that portion of the lands granted to this State by the above named act of Congress, applicable to the construction of the above described railroad and telegraph, and the above described branches thereof, and which shall be selected or located in conformity with the provisions of the above mentioned act of Congress. And the said State of Kansas further agrees, and it is hereby enacted, that so soon as said Leavenworth, Lawrence and Fort Gibson Railroad Company shall complete any twenty consecutive miles of either said road or branch, as required by said act of Congress, the Governor of this State shall, by patent, convey to such company, all the lands granted as aforesaid, which shall be situated opposite to and within a limit of ten Leav., Law. & Ft. Gibson, Co. When 20 miles. Governor convey by patent.

miles of the line of said section of road thus completed, extending along the whole length of said completed section, and no further, and so from time to time until said road and branch shall be completed. And whenever said road, branch and telegraphs shall be completed as required by said act of Congress, the Governor shall convey to said company all the remaining lands granted by said act of Congress and applicable to the construction of said road, branch and telegraphs: *Provided, however*, that said agreement for the sale of said lands and all conveyances thereof, shall be for the uses and purposes, and subject to the conditions, reversions and provisions set forth and contained in said act of Congress and in this act: *And provided further*, that at the point of intersection of said road and branch, there shall be an equal division of the lands granted to aid in building said road and branch.

Subject to act of Congress.

Atchison, Topeka & Santa Fe Co.

SEC. 3. In consideration that the Atchison, Topeka and Santa Fe Railroad Company, formerly the Atchison and Topeka Railroad Company, shall construct a railroad from the city of Atchison *via* Topeka, to the western line of said State, in the direction of Fort Union and Santa Fe, New Mexico, with a branch from where said road crosses the Neosho, down said Neosho valley to the point where the Leavenworth, Lawrence and Fort Gibson railroad enters said Neosho valley, the State of Kansas hereby agrees to grant, bargain, and sell to said Atchison, Topeka and Santa Fe Railroad Company, all that portion of the lands granted to this State by the above named act of Congress, applicable to the construction of the herein above described railroad and branch thereof, and which shall be selected and located in conformity with the provisions of the above named act of Congress. And the said State does further agree, and it is hereby enacted, that whenever said Atchison, Topeka and Santa Fe Railroad Company shall complete any twenty consecutive miles of either said road or branch, as required by said act of Congress, the Governor of this State shall, by patent, convey to said Atchison, Topeka and Santa Fe Railroad Company, all the lands granted as aforesaid, and which shall be situated opposite to and within a limit of ten miles of the line of said section of road thus completed, extending along the whole length of said completed

When 20 miles completed, Gov'r shall convey by patent.

section, and no further, and so from time to time until said road and branches shall be completed, as required by said act of Congress; and whenever said road and branch shall be thus completed, the Governor of this State shall convey to said company all the remaining lands granted by said act of Congress, and applicable to the construction of said road and branch: *Provided, however*, that said agreement for the sale of said lands and all conveyances thereof, shall be for the uses and purposes, and subject to the conditions, reversions and provisions set forth and contained in said act of Congress and in this act: *And provided further*, that if the Congress of the United States shall, on or before the 4th day of March, 1866, consent that the Neosho valley branch of the above named road may be extended so as to intersect the Union Pacific railroad, eastern division, at or near Fort Riley, and shall make a grant of land for such extension of like amount with that granted per mile for the construction of the herein above named principal road, then said Atchison, Topeka and Santa Fe Railroad Company shall proceed to construct such branch to such intersection, on the terms and conditions herein above prescribed, applicable to the construction of such main road.

Subject to act of Congress.

SEC. 4. Each of said companies shall file in the office of the Secretary of State, within six months after the passage of this act, a copy of the acceptance by the board of directors of such company, of the provisions of this act, duly certified under the seal of said company; and in default thereof all grants and provisions herein contained shall, as to the company so failing, cease and be void.

Within six mos., comp'y shall file with the Secretary of State, &c.

SEC. 5. Said companies shall, respectively, within one year after its road shall have been definitely located, file in the office of the Secretary of State, a map or profile thereof, and of the land reserved or taken for the use of said road, and shall also file maps of the parts of such roads and lands in the office of the Register of Deeds of the several counties through which such roads shall pass.

Within one year, shall file, &c.

SEC. 6. The right of way upon and across all lands belonging to this State to a distance of one hundred feet in width, together with the right to construct and use upon such lands all turn-outs and water stations, is hereby granted to said companies, respectively, for the use of their respective roads.

Right of way granted.

SEC. 7. Immediately after the passage of this act, the Secretary of State shall cause the same to be published once in the *Topeka Tribune*, and it shall thereafter be in force.

Approved, February 9, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for Feb. 13, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LXXX.

RIGHT OF WAY AND GRANT OF LAND FOR RAILROAD.

JOINT RESOLUTION granting the right of way for a railroad from Fort Leavenworth to Fort Scott, and to obtain a grant of land for the same.

WHEREAS, Pursuant to a joint resolution, approved February 11, 1863, memorializing government to build a military road and line of telegraph from Fort Leavenworth to Fort Scott, it has been ascertained by government survey, made by C. G. Waite, of Leavenworth City, that the line of travel between said military posts, through the counties of Johnson, Miami, Linn and Bourbon, is more than twenty miles nearer than by way of the city of Lawrence; therefore,

Be it resolved by the Legislature of the State of Kansas:

That the President and Congress of the United States be earnestly requested to grant to the State of Kansas, for the purpose of constructing a railroad from Fort Leavenworth *via* the ferry at the mouth of Wolf creek, on the Kansas river, to Fort Scott, every alternate section of land, designated by even numbers, for ten sections in width on each side of said railroad; but if it should appear that the United States have, where the line of said road is definitely fixed, sold any section

or any part thereof, to be granted as aforesaid, or that the right of pre-emption or homestead settlement has attached to the same, or that the same has been reserved by the United States for any purpose whatever, then it shall be the duty of the Secretary of the Interior to cause to be selected, for the purpose aforesaid, nearest to tiers of sections above specified, so much land in even sections or parts of sections, designated by even numbers, as would be equal to such lands as the United States have sold, reserved or otherwise appropriated, or to which the rights of pre-emption or homestead settlement have attached as aforesaid, which lands thus indicated by even numbers, and selected by direction of the Secretary of the Interior, as aforesaid, shall be granted to the State of Kansas for the use and purpose aforesaid: *Provided*, that the lands to be so selected shall in no case be located further than forty miles from the line of said road.

Resolved, That the right of way to establish such line of railroad is hereby granted between said military posts in said State of Kansas.

Resolved, That the Governor be requested to forward a copy of these resolutions, together with a plat of C. G. Waite's survey of military road from Fort Leavenworth to Fort Scott, and any information or statistics in relation to the feasibility of said route, to the Senators and Representatives of this State in Congress, and that they be requested to use their earnest endeavors to obtain the aforesaid grant of land to aid in the construction of said railroad, and urge upon Congress immediate action in the premises.

Approved, February 17, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXXXI.

LIMITATION OF ACTION.

AN ACT to provide for the limitation of actions in certain cases therein described.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That in all cases where property, real or personal, or moneys or choses in action, secured by mortgage or unsecured, are or have been seized and confiscated by process of law, under the act of Congress entitled "An act to suppress insurrection, to punish treason and rebellion, to seize and confiscate the property of rebels, and for other purposes," approved July 17, 1862, or any amendment thereto, all persons owning or claiming to own such property, moneys, or choses in action, or to have any right, title or estate therein, at or before the time the same was so seized under such act of Congress, and their assigns and legal representatives shall be forever barred from instituting suit in any court in this State, setting up or claiming any right in the same, as against the judicial decree of condemnation thereof, or when the same is in the hands of any purchaser or sub-purchaser under said judicial decree, unless said suit shall be instituted within the following periods, to wit: As to all such property, moneys or choses, in action heretofore seized and judicially condemned, the time limited for the institution of such suit shall be six months after the taking effect of this act, and not thereafter; and as to all property, moneys or choses in action hereafter so seized and judicially condemned, the time limited for the institution of such suit shall be six months after such decree of condemnation shall have been rendered, and not thereafter.

Confiscation of property.

Approved, February 20, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXXXII.

MARKS AND BRANDS.

AN ACT to provide for the recording of marks and brands.

Be it enacted by the Legislature of the State of Kansas:

Duty of Register.

SECTION 1. That it shall be the duty of the Register of Deeds of each county to record a description of the marks or brands in a book to be provided for that purpose, with which each person may be desirous of marking his horses, mules, cattle, sheep or hogs; but the same description shall not be recorded for more than one resident of the same county.

Penalty.

SEC. 2. That if any person shall willfully mark any of his horses, mules, cattle, sheep or hogs with the same mark or brand previously recorded by any resident of the same county, and while the same mark or brands shall be used by any such resident, the person so offending shall forfeit for every such offense five dollars, to be recovered before any justice of the peace of such county. If any person shall willfully mark or brand the horses, mules, cattle, sheep or hogs of any other person with his own brand or mark, the person so offending shall forfeit for every such offense not less than ten nor more than fifty dollars, to be recovered before any justice of the peace of the proper county; and if any person shall willfully destroy or alter any mark or brand upon any horses, mules, cattle, sheep or hogs, the property of another, the person so offending shall, on conviction thereof before any justice of the peace, forfeit and pay for every such offense a sum not less than ten nor more than fifty dollars, and shall, moreover, pay to the injured party double damage.

Fees.

SEC. 3. The Register of Deeds shall be entitled to receive, for recording any mark or brand and giving certificate of the same, twenty-five cents.

Forfeitures applied to school fund.

SEC. 4. All forfeitures provided for in this act shall be recovered in the name of the State of Kansas, and shall be applied to the school fund of the proper county, as in the case of other fines and forfeitures; and in case of an acquittal of the defendant in any case arising under this act, the complainant shall

pay all the costs, and judgment shall be rendered against him therefor; and in no event shall the county be liable for costs in any case arising under this act.

Approved, February 3, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXXXIII.

ADOPTION OF MINOR CHILDREN.

AN ACT to provide for adopting Minor Children.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That any person may appear in the probate court of the proper county, and offer to adopt any minor child or children as his or her own: *Provided*, such minor and his or her parents, if living and in the State, or guardian appear before such court and consent to such adoption; and if the probate court is satisfied that such consent is free and voluntary, the said court shall make its proceedings of record in the said probate court, declaring said minor child or children the child and heir of such person so adopting such minor, and then and thereafter such person so adopting such minor shall be entitled to exercise any and all the rights of a parent, and be subject to all the liabilities incident to that relation; and such minor child shall be entitled to all the rights of a child and heir of such person, and to assume the surname of the person by whom he or she is adopted: *Provided*, such probate court may, in case any minor child is under twelve years of age, and has no parents living, if he find, on investigation, that the person proposing to adopt such minor child is unfit to assume the relation of parent to such minor, refuse to permit such adoption to be made.

Probate Court.

SEC. 2. This act shall be in force from and after its publication in the *Topeka Daily Tribune.*

Approved, February 10, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Daily Tribune* for February 14, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LXXXIV.

STATE MILITIA.

AN ACT providing for the enrollment, organization, discipline and pay of the Militia.

Be it enacted by the Legislature of the State of Kansas:

Enrollment. SECTION 1. That all able-bodied white male citizens between the ages of twenty-one and forty-five years, except such as are hereinafter provided for, shall be enrolled in the militia, and shall perform military duty as in this act provided.

Exemption. SEC. 2. That the following persons are exempted from enrollment in the militia of the State: first, all persons employed in or about State prisons and houses of correction; second, all citizens who shall, on or before the first day of May in each year, pay to the County Treasurer of the county in which they may reside, the sum of ten dollars for the benefit of schools, and who shall make and file with the County Clerk of their county an affidavit that they have conscientious scruples against bearing arms.

Appointments. SEC. 3. That the Governor of the State shall be commander-in-chief of the militia of the State, and shall have power, by and with the consent of the Senate, to appoint and commission one major general and five brigadier generals, and shall have power to fill any vacancies that may occur, until the meeting of the Senate.

Division. SEC. 4. That the State shall constitute one division, and shall be divided by the major general commanding into five brigade districts, with power to alter and change the same at pleasure.

Officers. SEC. 5. Each regiment shall have one adjutant, one quartermaster, one surgeon with the rank of lieutenant, to be approved

by the colonel and commissioned by the Governor; also, one sergeant-major, chief bugler, to be appointed by the colonel. That each regiment shall consist of not more than twelve nor less than six companies, and shall have one colonel, one lieutenant colonel and one major, to be elected by the captains and lieutenants of the companies composing the regiment. Each company of cavalry, artillery or infantry, shall not consist of less than thirty-two nor more than one hundred rank and file; and each company shall have one captain, one first and one second lieutenant, to be elected by the company and commissioned by the Governor. Each company shall have five sergeants and four corporals, to be appointed by the captain.

Appointment.

SEC. 6. The Governor, by and with the consent of the Senate, shall appoint one quartermaster general, with the rank of colonel; one adjutant general, with the rank of colonel; three or more aides-de-camp, with the rank of lieutenant colonel. The major general shall appoint one assistant adjutant general, one assistant quartermaster general, one paymaster general, one engineer-in-chief, one judge advocate general, three aides-de-camp with rank of major, to be commissioned by the Governor. Each brigadier general shall appoint one assistant adjutant general, one quartermaster, one commissary, with the rank of captain, and three aids with the rank of first lieutenant, to be commissioned by the Governor.

Duty of Quartermaster General.

SEC. 7. The quartermaster general shall have the care and superintendence of all the State arms, ammunitions, accouterments, camp equipage and military stores belonging to the State, and shall have power to rent a suitable building for a State armory, and put the same in a suitable condition for such use, and to employ persons to clean and keep in good condition all arms and ammunition belonging to the State, and provide for the transporting of the same to any place they may be ordered by the commander of the division. All requisitions for arms, munitions, and military stores, shall be made on the quartermaster general by the colonels of the regiments, and shall be countersigned by the brigadier general of the district, and by the major general of division. The colonels shall be ordnance officers of their respective regiments.

Duty of County Assessors.

SEC. 8. That the County Assessors shall annually, when making their assessments of personal property in their respective counties, include in their assessment rolls the names of all persons in their respective counties liable to be enrolled as hereinbefore provided; and within thirty days after the time of completing said assessment and enrollment, he shall return the same to the County Clerk. All keepers of public houses, boarding houses, heads of families, and business houses, shall, upon the application of the Assessor, furnish him with the number and names of all persons boarding or lodging with them or in their employ; and if any person, when applied to as aforesaid, shall refuse to give such information, or willfully give false information, he or they shall, upon conviction before any justice of the peace, in the name of the State, forfeit and pay for every such offense the sum of ten dollars. It shall be the duty of the assessor to report every such offense to the nearest justice of the peace, and the district or county attorney to prosecute the same. It shall be the duty of the County Clerks, on or before the tenth of January of each year, to return to the adjutant general of the State an accurate copy of such enrollment. Any officer who shall neglect or refuse to perform any of the duties herein prescribed, shall, on conviction thereof before any court of competent jurisdiction, in the name of the State of Kansas, forfeit the sum of one hundred dollars.

Organization.

SEC. 9. That the present organization of the militia of the State into companies and regiments, together with the officers of the same, so far as is not inconsistent with this act, shall not be affected by this act. Companies and fractions of companies shall be formed into or attached to battalions, or regiments formed by order of the brigadier general commanding district. The captains of companies now existing in the various wards and townships shall, immediately after the publication of this act, notify every person liable to be enrolled as hereinbefore provided, in writing, who is not a member of an organized company, to at once become one; and on his neglect to do so for ten days after such notice, and for every such subsequent neglect, he shall forfeit and pay the sum of five dollars [illegible] costs, on conviction thereof before any justice of the peace, and stand convicted [committed] to the county jail until paid.

Regulations.

SEC. 10. That, for the purpose of drill and discipline, the militia of the State shall not be required to parade as companies oftener than once a month, or as regiments oftener than four times each year, at such times and places as may be directed by the brigadier general commanding district, and as brigade not more than once in each year, on order of major general commanding division, except in case of actual or threatened invasion or insurrection. Public notice of at least ten days, either by written or published notices, or by an advertisement in a newspaper, shall be given previous to each muster; and it is hereby made the duty of the captain of each company to report the name of every member of his company absent from the muster, who does not, within five days after any muster, present to said captain a reasonable excuse for his neglect, and he shall forfeit and pay the sum of five dollars and costs, on conviction thereof before any justice of the peace, and stand committed to the county jail until paid.

Power to call out.

SEC. 11. That the mayor of any city or sheriff of any county is hereby authorized to call out any portion of the militia, for the purpose of suppressing any riot or insurrection, or to guard against threatened immediate invasion. When called out for the purpose of suppressing any riot or insurrection, said militia shall receive, while so employed, one dollar for each day actually on duty, to be paid by the city or county calling them out.

Invasion or insurrection—duty of officers.

SEC. 12. That, in case of insurrection, invasion or threatened invasion, the commander-in-chief, major general and brigadier general may order into active service any company, regiment, brigade, or any portion of either, he may designate, in such forms of organization as he may direct. No portion of said forces shall be required to perform such service for more than ninety days at one time. Officers, non-commissioned officers and privates, when ordered into active service, shall receive, while in active service, the same compensation as is now paid by the United States for similar services to officers, non-commissioned officers or privates of the army of equal grade, except there shall be no allowance for more than one ration per day to each officer, and no allowance for servants, horses, forage, or commutation thereof, while in active service. The militia force

may be governed by the army regulations and military laws of the United States, except as provided for by this act: *Provided*, That no military officer of the United States service shall assume command of any portion of the State militia force in actual service, except by order of the commander-in-chief, the major or a brigadier general commanding the militia forces in the field.

Elections.

SEC. 13. The major general may, upon the presentation of a petition from a majority of the non-commissioned officers and privates of any company, order a new election of company officers; and upon the presentation of a petition from a majority of the company officers comprised in any regiment, he shall order a new election for regimental officers, and may for good cause reduce captains and lieutenants to the ranks, and order a new election. All misconduct or breaches of discipline on the part of either privates or officers, except those heretofore mentioned, shall be disposed of as prescribed by the army regulations and laws of the United States.

Penalties.

SEC. 14. That any person who shall be convicted of stealing, disposing of, or unlawfully detaining or needlessly injuring any State arms, munition, or military stores, shall forfeit and pay double the value of such articles; suit to be brought in the name of the State, before a justice of the peace. Or any person disturbing or interfering with any muster or encampment shall for every such offense forfeit and pay the sum of ten dollars, on conviction thereof before any justice of the peace, and stand committed to the county jail until paid.

Fines paid—to whom.

SEC. 15. That all fines and penalties provided for in this act, except the exemption fee provided for in section two (2) and the penalty of ten dollars provided for in section fourteen (14), shall be promptly paid over by the County Treasurer to the State Treasurer, and shall be used only for school purposes.

Expenses.

SEC. 16. That all expenses provided for by this act shall be sworn to by the officer making the same, and approved by the commander-in-chief, major general or brigadier general certifying that the same were incurred by his order, and were necessary for the service, and the amount thereof reasonable and just; and the Auditor of State shall audit the same, and as soon as any moneys are appropriated for military purposes, the

Auditor shall draw his warrant on the Treasurer, who shall pay the same.

Exemption. SEC. 17. Persons wishing exemption on account of disability must procure a certificate from the regimental surgeon, which must be approved by the brigadier general commanding district before said person can be exempt.

Active service, SEC. 18. That, when any portion of the militia are in active service, in making reports, and in all their business, they will be governed by the forms and regulations of the United States army; and, in organizing and disciplining the militia, or when in actual service, all questions arising, not provided for by this act, shall be governed and decided by the rules and regulations adopted by the army of the United States.

Duty of Adjutant General. SEC. 19. That the adjutant general shall perform all such services in connection with the volunteers now in the service of the United States from this State as the commander-in-chief may direct, and such other service in the militia department as may be directed by the commander-in-chief.

Salaries. SEC. 20. That the quartermaster general and adjutant general shall receive for their services annually such sums as the Legislature may direct.

Term of office. SEC. 21. That the term of office of all officers provided for under this act shall be four years, unless sooner removed as herein provided.

Bonds. SEC. 22. The quartermaster general and paymaster general provided for in this act shall, before entering upon their duties as such, both give bonds in the sum of twenty thousand dollars each, with good security, to be approved by the commander-in-chief, conditioned for the faithful performance of the duties of their offices respectively. Brigade quartermasters and ordnance officers shall each give bonds in the sum of five thousand dollars, as above, for the faithful performance of their duties.

Arrests. SEC. 23. Nothing in this act shall be construed to prevent commanding officers of divisions, districts, regiments or companies from making arrests for disobedience of orders or neglect of military duty, or from promptly arresting any person disturbing or interfering with any muster or encampment.

Oath. SEC. 24. That each and every member of any military company hereafter to be organized under the laws of this State,

before the officers are commissioned, and before said company shall be considered competent to render military service, to receive arms, to participate in regimental or brigade elections, shall take and subscribe before some commissioned military officer, and for that purpose all commissioned officers are hereby authorized to administer the oath, that "I will support, protect and defend the constitution and government of the United States, and the constitution of the State of Kansas, against all enemies, whether domestic or foreign, and I will bear true faith and loyalty to the same; and further, that I do this with a full determination and pledge, without any reservation or evasion, to perform in good faith all the duties which may legally be required of me. So help me God." And that a copy of such oath or affirmation, duly subscribed, shall be forwarded to the Governor of the State; and no commission shall be given to any officer until the provisions of this act shall have been fully complied with.

Courts Martial.

SEC. 25. The commander-in-chief and major general and brigadiers shall have full authority to convene courts martial under the rules governing the United States army, for the trial and punishment of any offenses hereinbefore provided for, at such times and places as in their judgment may be for the best interest of the service.

Repeal.

SEC. 26. That an act entitled "An act to organize and discipline the militia," passed April 23, 1861, and an act entitled "An act supplementary to an act to organize and discipline the militia," passed May 7, 1861, and all other acts inconsistent with this act, be and the same are hereby repealed.

Duty of Secr'y of State.

SEC. 27. This act shall be printed in pamphlet form, and the Secretary of State shall distribute to the commissioned officers of the militia of the State one copy thereof to each, at as early a day as practicable after its approval by the Governor.

SEC. 28. This act to be in force after its publication in the *Topeka Tribune*.

Approved, February 24, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for February 28, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LXXXV.

EXPENSES OF MILITIA.

AN ACT to provide for the expenses of the militia incurred in the protection of the State, in the years 1861, 1862, 1863 and 1864, and payment of the same.

Be it enacted by the Legislature of the State of Kansas:

Board of commissioners.

SECTION 1. That the commander-in-chief, Auditor and Attorney General of State are hereby declared a board of commissioners, whose duty it shall be to examine, audit and allow all just claims, properly authenticated and established, of officers and men, and other persons employed in the militia service of the State of Kansas, by order of the Governor or in pursuance of law, in the years 1861, 1862 and 1863, or that may be incurred in 1864, including all claims for printing and other incidental expenses; also, all claims, duly attested and certified, incurred in organizing and equipping volunteers before muster into the United States service, as hereinafter provided.

Shall audit claims.

SEC. 2. The commissioners herein provided for shall audit and allow to the officers of the State militia the pay per diem allowed to officers of the United States for like services, for time actually employed in the service of the State, except there shall be no commutation of rations of either officers or men, and no commissioned officer shall be allowed any pay for the use of horse, servant, or commutation for rations for the same; and the private soldier of the militia of 1861, 1862 and 1863 shall be allowed the sum of one dollar per day.

Duty of officers.

SEC. 3. It shall be the duty of commissioned officers of the several companies to make out in duplicate and forward to the said commissioners, the muster and pay rolls of their respective

companies, verified by affidavit, and shall also have attached to the same a true copy of the order calling them into service. The muster and pay rolls shall contain the number of days each man and officer has been in actual service of the State, and shall fully set forth all the items for which pay is demanded, which affidavit so required shall contain a full statement upon each claim for which pay is required; and, upon the allowance of said claims, they shall be endorsed and approved and signed by the Auditor.

State Auditor.

SEC. 4. It shall be the duty of the State Auditor to draw his warrant upon the Treasurer, in favor of the paymaster general, for the amount of all claims allowed on muster or pay rolls, and in favor of the quartermaster general for the amount of all other claims allowed by said commission. Each of said officers shall pay the same in pursuance of the rules provided in the United States army regulations, and under such additional regulations as may be provided by the commander-in-chief.

Clerk.

SEC. 5. Said commissioners may appoint a clerk of their board, with such allowance for his services as they may deem proper, and shall make out a detailed report of all allowances made by them under the provisions of this act, and the amount thereof, which report they shall file with the Auditor of State prior to the issuing of any warrant provided for in this act.

Claims.

SEC. 6. All claims for printing shall be accompanied by a certificate of the officers ordering the same, which must state the number of times ordered, and that the account is just, but no such order shall be paid for over four insertions, nor above twenty-five cents per line for all insertions; all other accounts must be sworn to by the owner, and certified by the officers incurring the expense or ordering the same, and approved by the commander-in-chief before they shall be audited or paid.

Bonds.

SEC. 7. That, for the purpose of raising a revenue or means to pay the warrants drawn by the State Auditor under the provisions of this act, that one hundred thousand dollars of the bonds of the State of Kansas, with coupons attached, to be signed by the Treasurer, shall be issued, payable twenty years from date, and bearing interest at the rate of seven per cent. per annum, payable semi-annually in the city of New York, which bonds shall be signed by the Treasurer, and countersigned by the Governor and Auditor, and have the seal of the

State attached, and which bonds shall specify to whom payable, the rate of interest, and the time when the principal and interest shall be paid, and each bond so issued shall not be for a less sum than one thousand dollars.

SEC. 8. The Treasurer of State is hereby authorized and directed to obtain suitable blank bonds, to be issued as provided in the seventh section of this act.

SEC. 9. The proper officers of the State of Kansas shall cause to be levied and collected each year with the other taxes of the State, a sufficient amount to pay the interest as the same accrues, on all bonds issued under the provisions of this act, and also to levy and collect a tax sufficient to create a sinking fund for the final redemption of such bonds, which tax, when paid into the State Treasury, shall be and remain a specific fund for said purpose only, and shall not be appropriated or used in any other way except as herein provided.

Tax.

Sinking fund.

SEC. 10. That the tax mentioned in the ninth section of this act, levied and collected to create a sinking fund for the final redemption of the bonds issued under this act, shall be invested annually, if the same can be done advantageously to and for the interest of the State, by the Governor, Auditor and Treasurer of the State, in the bonds of the United States, and in the bonds of this State, at their market value on the New York Stock Exchange, but in no case shall the same be purchased at a higher price than their par value. Bonds of the United States so purchased shall be held and retained by the Treasurer until the principal of the bonds under this act shall become due, and shall then be disposed of at the highest market rates of the New York Exchange, and the proceeds of the sale of such bonds, purchased as aforesaid, shall be appropriated to the redemption of the bonds issued under this act, but all bonds of the State of Kansas, purchased as aforesaid, shall have "Cancelled" written across the face of the bonds, and of the remaining coupons, and the date of the cancellation shall be written on the face of the bonds so cancelled, and the cancelled bonds shall then be deposited with the Auditor.

Investment.

SEC. 11. That whenever the interest on the above mentioned bonds shall become due, the same shall be paid by the Treasurer of the State upon the presentation of the proper coupons

Interest.

therefor, at such banking house in the city of New York, as he may previously designate, by notice published in a daily newspaper printed in said city, and the coupons paid shall be cancelled and filed in the Auditor's office by the Treasurer. That all money realized by the State of Kansas, from the bonds issued under this act, after paying all the necessary expense of issuing and negotiating the same, such expense to be paid, however, only on specific appropriations therefor, be and the same is hereby appropriated to the exclusive purpose of paying any portion of the warrants that may be drawn on the Treasurer as provided in section four of this act, and as soon as said money is obtained, it shall forthwith be paid into the treasury of the State.

Credit of State pledged.

SEC. 12. The credit of the State is hereby pledged to the payment of the interest and principal of the bonds mentioned in this act as the same may become due, and it shall be the duty of the State Auditor to register such bonds in a book provided for that purpose, which registry shall show the date, number, amount, and to whom is made payable each of said bonds.

SEC. 13. That the Governor of the State of Kansas be and he is hereby authorized on the part of the State of Kansas, to negotiate said bonds; *Provided, always*, that the bonds hereby authorized to be issued shall not be sold or delivered for a less sum than ninety cents on the dollar.

Securities.

SEC. 14. That before any bonds shall be delivered to the Governor as contemplated in the last preceding section, he shall execute to the State of Kansas a bond in the sum of one hundred thousand dollars, with two or more good and sufficient securities, to be approved by the Attorney General and Treasurer, conditioned for a faithful discharge of his duties as agent under and by virtue of this act, which bond shall be delivered to and filed with the Auditor.

SEC. 15. That the Governor shall sell under this act only a sufficient number of bonds to pay whatever claims may be audited by said Commissioners.

Assumption by general government.

SEC. 16. In case the general government shall assume and refund to the State of Kansas the indebtedness incurred by this act, or any part of the same, it shall be the duty of the

Governor, Auditor, and Treasurer of the State, to invest said funds in the bonds of the United States, and in the bonds of the State, at their market value on the New York Stock Exchange, but in no case shall the same be purchased at a higher price than their par value. Bonds of the United States so purchased shall be held and retained by the Treasurer until the principal of the bonds issued under this act shall become due, and shall then be disposed of at the highest market rates of the New York exchange, and the proceeds of the sale of bonds shall be appropriated to the redemption of the bonds issued under this act; but all bonds of the State of Kansas, purchased as aforesaid, shall have "Cancelled" written across the face of the bond, and of the remaining coupons and the date of the cancellation shall be written on the face of the bonds so cancelled, and the cancelled bonds shall be deposited with the Auditor.

SEC. 17. That the sum realized from the sale of said bonds, or so much thereof as may be necessary, is hereby appropriated for the purposes provided for in this act.

Publication.

SEC. 18. For the purpose of paying the claims provided for in this act, the Paymaster General and Quartermaster General shall, immediately upon receiving the money to pay the same, give notice by publication at least ten days in some newspaper of general circulation, of the time and place of payment, and shall proceed to the county seat of each county in which services have been rendered, to be paid under this act, and there pay the said claims, and all claims not there paid or demanded, shall be thereafter payable at the office of the Paymaster General or Quartermaster General, as the case may require.

SEC. 19. That this act shall take effect and be in force from and after its publication, and it shall be the duty of the Secretary of State immediately upon the approval of this act by the Governor, to have a certified copy published once in the *Topeka Daily Tribune*, which shall constitute such publication.

Approved, February 23, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Daily Tribune* for Feb. 27, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LXXXVI.

CHANGE OF NAME.

AN ACT to change the name of the town and township of Sautrell Falls and Sautrell River, and to repeal chapter 40 of the laws of 1863.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the name of the town of Sautrell Falls, in Jefferson county, State of Kansas, be changed to the name of Grasshopper Falls; that the name of the municipal township of Sautrell be changed to the name of Grasshopper Falls township, and that the name of Sautrell river be changed to the name of Grasshopper river. Change of name.

SEC. 2. That all judgments, orders, pleadings, process, contracts, records, actions, suits, proceedings or writings whatsoever, existing or pending, wherein the name of Sautrell Falls, Sautrell township, or Sautrell river appears, shall exist and be carried to final settlement, determination and execution as though no change in the name of said town, township or river had been made.

SEC. 3. An act entitled "An act to change the name of the town and township of Grasshopper Falls and of the Grasshopper river," approved February 6, 1863, shall be and the same is hereby repealed. Repeal.

SEC. 4. This act shall take effect thirty days after one publication thereof in the *Topeka Tribune*, and immediately after the passage of this act the Secretary of State shall cause said publication to be made in the *Topeka Tribune*.

Approved, February 1, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for February 5, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LXXXVII.

CHANGE OF NAME.

AN ACT to change the name of the town and township of Kickapoo.

Be it enacted by the Legislature of the State of Kansas:

Change of name.

SECTION 1. That the name of the town of Kickapoo City, in the county of Leavenworth, State of Kansas, be changed to the name of Steuben; that the name of the municipal township of Kickapoo be changed to the name of Steuben township.

SEC. 2. That all judgments, records, orders, pleadings, process, contracts, actions, suits, proceedings or writings whatsoever, existing or pending, wherein the name of Kickapoo City or Kickapoo township appears, shall exist and be carried to final settlement, determination and execution as though no change in the name of said town or township had been made.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

CHAPTER LXXXVIII.

STATE OFFICERS TO ADMINISTER OATHS.

AN ACT to authorize certain State officers to administer oaths.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the Secretary of State, Auditor of State, Treasurer of State, Speaker of the House and President of the Senate be and they are hereby authorized and empowered to administer oaths in all cases pertaining to the discharge of their official duties, but without fees therefor. To administer oaths.

SEC. 2. This act shall take effect and be in force from and after its publication in the *Topeka Daily Tribune.*

Approved, January 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Daily Tribune* for February 2, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER LXXXIX.

GRANTING OF PARDONS.

AN ACT to regulate the granting of pardons.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The Governor may pardon any person convicted in any court of this State, of any offense against any law of this State, and upon such terms and conditions as he may prescribe in the pardon: *Provided*, no such pardon shall be granted until after notice shall have first been given for two weeks of such application for a pardon, by publishing the said notice in a newspaper printed in the county where the conviction was had, which notice shall state the name of the applicant, the time when the application will be made, and the Pardon. Notice.

offense of which he was convicted; and in case no newspaper is published in such county, then the said notice may be given by posting the same at the court house door of said county two weeks before such application.

SEC. 2. Such pardon shall be in writing, and attested by the great seal of the State, and upon the production thereof to any keeper of the prison in which such convict shall be confined, or officer in whose custody he shall be, he shall be released from custody.

Governor to communicate to Legislature each year.

SEC. 3. The Governor, at each regular session of the Legislature, shall communicate to both houses of the Legislature a list of all persons pardoned by him during the preceding year, with a statement of the offense of which each was convicted, the county where and the time when he was convicted, the time of imprisonment or amount of fine, and the condition, if any, upon which such pardon was granted.

In capital cases, the Gov'nor may.

SEC. 4. In capital cases the Governor may grant reprieves for a limited time, and during the time of such reprieve the sentence of the court shall be suspended, but at the expiration of said time, the officer charged with the execution of the judgment in the case shall proceed to execute the judgment of the court in the same manner as if that were the time fixed by the judgment for the execution thereof.

May commute.

SEC. 5. The Governor may, when he deems it proper and advisable, commute a sentence in any criminal case, by reducing the penalty as follows: 1st. If in a capital case, to imprisonment for life, or for a term of years at hard labor. 2d. If the sentence of the court be for imprisonment, with or without hard labor, by reducing the duration thereof. 3d. If a fine, by reducing the amount thereof. 4th. If a fine and imprisonment, by reducing either or both.

SEC. 6. The Governor shall have no power to grant any pardon to any person or persons till after he, she or they have been duly convicted.

SEC. 7. This act shall be in force from and after its publication in the statute book.

Approved, February 24, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XC.

PAYMENT OF PROFESSORS AND TEACHERS.

AN ACT to provide for the payment of the Professors and Teachers in the Kansas State Agricultural College.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That a sum not to exceed twenty-seven hundred dollars, or so much thereof as may be necessary, is hereby appropriated for the purpose of paying the president, professors and teachers of the Kansas State Agricultural College for the years A. D. 1863 and 1864.

SEC. 2. That the Auditor of State is hereby authorized to issue warrants on the State Treasurer, in favor of the treasurer of the board of regents of said college, in accordance with the provisions of this act. Said orders to be drawn quarterly, and marked "Kansas State Agricultural College."

SEC. 3. That the treasurer of the board of regents of said college, before receiving any money, as contemplated in this act, shall give a bond, with sufficient sureties, for the faithful application of the funds aforesaid to the purposes as contemplated by this act, under the direction of the board of regents, in the penal sum of ten thousand dollars, to be approved by the Governor, and filed in the office of the Secretary of State.

SEC. 4. This act shall take effect and be in force from and after its publication in the *Topeka Tribune*.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 4, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XCI.

CHANGE OF SITE.

AN ACT authorizing Commissioners to change the site of the State Penitentiary.

WHEREAS, The present site selected by the Commissioners appointed under an act entitled "An act to provide for the appointment of commissioners to locate the State penitentiary, and to define their duties and fix their compensation," approved May 28, 1861, is impracticable, inconvenient and unfit for the purposes for which it was selected; therefore,

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That C. A. Buck, of Jefferson, John S. Penton, of Atchison, and D. G. Campbell, of Johnson county, of the State of Kansas, be and they are hereby appointed commissioners to fix and determine the location of the State penitentiary for the State of Kansas: *Provided*, such re-location and the securing of the site be without expense to the State.

Commissioners.

SEC. 2. That said commissioners shall meet in the city of Leavenworth within thirty days after the approval of this act, and take the oath of office to faithfully discharge their duties as such commissioners.

Oath.

SEC. 3. That any vacancy occurring by the failure or the refusal to qualify by either of said commissioners, in the manner herein prescribed, or from any other cause, shall be filled by appointment of the Governor.

Vacancy

SEC. 4. That said commissioners shall proceed to locate the State penitentiary within sixty days after the approval of this act, at some practicable point within the limits of the city of Leavenworth, or its vicinity, and shall select a tract of land containing a sufficient quantity, not less than ten acres, to contain the buildings of said State penitentiary, and shall, by donation or otherwise, secure the title to the same, in fee simple, to the State of Kansas.

Location.

SEC. 5. It shall be the duty of the Governor to sell the tract of land heretofore selected by the former commissioners, and he is hereby authorized and empowered to sell and convey a good and sufficient title to the same: *Provided, however*, said

To sell land.

land shall not be sold for a less sum than six hundred and sixty dollars, and said money be used for the payment of the re-location and purchase of the future site: *Provided*, it shall be at the option of said commissioners to change said site.

SEC. 6. Said commissioners shall receive three dollars per day as compensation for their services during the time actually employed, together with their necessary traveling expenses; and, upon their furnishing the proper vouchers, their accounts shall be audited and allowed by the Auditor of State, and he shall thereupon issue a warrant upon the State Treasurer for the amount so allowed, which shall be paid out of any money in the treasury not otherwise appropriated. Compensation.

SEC. 7. This act shall take effect and be in force from and after its publication once in the *Topeka Tribune*.

Approved, February 27, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 2, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XCII.

CRIMINAL PROCEDURE—SUPPLEMENTAL.

AN ACT supplemental to an act entitled "An act to establish a code of criminal procedure."

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all courts of record in the State of Kansas, having criminal jurisdiction, shall have power to compel the attendance of witnesses in criminal causes, from any county in the State, to testify either on the part of the State or for the defendant. To compel witnesses.

SEC. 2. That subpœnas and other process to compel the attendance of witnesses in criminal causes shall be issued

and served in the same manner, and the disobedience thereof punished the same, as in civil cases. The subpœna may be directed to the Sheriff of the county in which the witness resides or may be found; and, in such case, the said Sheriff shall make immediate service and speedy return thereof, by mail, to the court from which it issued, with the time and manner of service endorsed thereon, and the distance, by the most direct route of common travel, from their residence to the place of such service.

Duty of Sheriff.

Approved, February 16, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XCIII.

CIVIL PROCEDURE—AMENDATORY.

AN ACT to amend section 525 of an act to establish a code of civil procedure, approved February 11th, 1859.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section five hundred and twenty-five (525) of the code of civil procedure be and the same is hereby amended as follows, to wit: "A judgment rendered or final order made by the Probate Court may be reversed, vacated or modified by the Supreme Court or District Court, for errors appearing upon the record."

SEC. 2. Section five hundred and twenty-five (525) be and the same is hereby repealed.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XCIV.

RELIEF.

AN ACT for the relief of Moulton G. Farnham.

Be it resolved by the Legislature of the State of Kansas:

SECTION 1. That a sum of five hundred and sixty-one dollars and thirty-three cents be and the same is hereby appropriated, in the manner following, to Moulton G. Farnham, for expenses incurred by him in arresting and bringing to the Territory of Kansas, for trial, James Cooper, a fugitive from the justice of this Territory, upon the authority of a requisition issued by the Governor of Kansas upon the Governor of Wisconsin.

SEC. 2. The Auditor of the State is hereby directed to issue his warrant upon the Treasurer of the State, in favor of said Moulton G. Farnham, for said amount, payable in twenty years from the date thereof, with interest thereon, payable at the office of said treasurer semi-annually, at the rate of six per cent. per annum.

SEC. 3. This act shall take effect and be in force from and after its publication according to law.

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XCV.

REPORTER OF SUPREME COURT.

AN ACT entitled "An act to amend an act prescribing the duties of the Reporter of the Supreme Court."

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section three of an act prescribing the duties of Reporter of the Supreme Court, approved February 21, 1862, be and is hereby amended so as to read as follows:

"Section 3. It shall be the duty of the Reporter faithfully and truly to prepare all such decisions for publication. The report of each case shall contain the title of the case, a syllabus of the points decided, a statement of so much of the facts of the case as may be necessary to understand the decision, the briefs of counsel, or an abstract thereof, showing the points made and the authorities cited, the names of counsel and the decision of the court. Each volume shall contain a list of all the cases reported, alphabetically arranged, and also a complete index."

SEC. 2. That section four of said act be amended so as to read as follows: "Section 4. As often as the cases decided by the Supreme Court shall be sufficient to constitute a volume of not less than four hundred pages, it shall be the duty of the Reporter to procure to be printed and published in a neat and substantial manner, of the ordinary size of law reports, and upon the most advantageous terms practicable, an edition of one thousand copies of reports of such cases: *Provided*, that the Reporter may, whenever the Justices of the Supreme Court shall deem it advisable and so direct, as often as the reports of such cases shall be sufficient to constitute a pamphlet of not less than one hundred pages, so procure to be printed and published such pamphlet, the same to be done without additional expense to the State, and the Reporter is hereby empowered to sell the same on behalf of the State, at a price not exceeding one dollar per pamphlet. The printed sheets of such pamphlets remaining unsold at the time when the reports of cases shall be sufficient for a full volume, as herein above provided, shall go to make up the full volumes of the reports of cases decided in the Supreme Court, which shall be by the Reporter procured to be bound in a neat and substantial manner, in good law leather, and upon the most advantageous terms practicable; and upon the completion of either of such publications, the Auditor shall draw his warrant upon the State Treasurer for the cost of publication: *Provided*, that before such warrant shall be drawn, the Reporter shall file with the Auditor of State a statement and account of the actual and necessary expense of the printing, binding and publication of such reports, which shall be verified by affidavit."

SEC. 3. That section seven of said act be amended so as to

read as follows: "Section 7. The bound volumes of said reports shall be offered for sale by said Reporter at a price not less than three nor more than five dollars for each copy."

SEC. 4. That section nine of said act be so amended as to read as follows: "Section 9. The Reporter of the Supreme Court shall receive an annual salary of five hundred dollars, payable quarter-yearly, out of any moneys in the State treasury not otherwise appropriated."

SEC. 5. That sections three, four, seven and nine of the act to which this is amendatory be and the same are hereby repealed.

Approved, February 20, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XCVI.

PROVIDING REVENUE.

AN ACT to provide revenue for the year 1864.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That, for the purpose of raising revenue to defray the current expenses of the State government for the year 1864, the proper officers are hereby directed to levy and collect a tax of five mills on the dollar upon all property in this State subject to taxation. Five mills.

SEC. 2. That the revenue raised under the provisions of this act shall be appropriated exclusively for appropriations made subsequent to the first day of January, 1864, and to create a sinking fund for the redemption, and to pay the interest on, bonds of the State of Kansas, which have been or may be issued under authority of law.

SEC. 3. That, of the tax so levied, one mill upon the dollar upon all the taxable property of the State shall be payable in lawful money of the United States or matured coupons of the

bonds of the State of Kansas, which shall be reserved exclusively for the payment of the interest upon such bonds, the issue of which has been authorized by law, and for the redemption of such bonds.

SEC. 4. This act shall be in force from and after its publication once in the *Topeka Tribune*, and the Secretary of State is hereby directed to cause a certified copy hereof to be immediately so published.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 5, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER XCVII.

RIVERS DECLARED NOT NAVIGABLE.

AN ACT declaring the Kansas, Republican, Smoky Hill, Solomon and Big Blue rivers not navigable, and authorizing the bridging of the same.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the Kansas, Republican, Smoky Hill, Solomon and Big Blue rivers, within the limits of the State of Kansas, are hereby declared not navigable streams or rivers.

SEC. 2. Any railroad or bridge company, having a charter under any general or special law of the State of Kansas, shall have the same right to bridge or dam said rivers as they would have had if they never had been declared navigable streams.

SEC. 3. All acts and parts of acts in conflict with this act are hereby repealed.

Approved, February 25, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XCVIII.

OBSERVANCE OF THE SABBATH.

AN ACT relating to those who observe the day commonly called Saturday as the Sabbath.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That no person whose religious faith and practice is to keep the seventh day of the week, commonly called Saturday, as a day set apart by divine command as the Sabbath of rest from labor, and dedicated to the worship of God, shall be subject to perform military duty, or to serve as a juryman in a justice's court, on that day, except that such person shall be subject to perform military duty at any time in case of insurrection, invasion or time of war. Observance.

SEC. 2. That any person who shall knowingly cause or procure any process issued from a justice's court in a civil suit to be served on that day upon any such person, or who shall serve any such process made returnable on that day, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of one hundred dollars, or imprisonment in the county jail not exceeding thirty days, or both. No process.

SEC. 3. That any person who shall in like manner procure any such suit, pending in such court, against any person of such religious faith and practice, to be adjourned for trial on that day, shall also be deemed guilty of a misdemeanor, and subject to a like punishment. Suits pending.

Approved, February 23, 1864.

THOMAS CARNEY,
Governor.

CHAPTER XCIX.

ORGANIZING STATE NORMAL SCHOOL.

AN ACT to organize the State Normal School.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the State Normal School, established and located at Emporia, in Lyon county, Kansas, upon the site selected by the commissioners in pursuance of an act of the Legislature of the State of Kansas, entitled "An act to establish, locate and endow a State Normal School," approved March 3d, 1863, shall be under the direction of a board of directors, and shall be governed and supported as hereafter provided.

B'rd of directors —how constit'd.

SEC. 2. The board of directors shall consist of nine members, six of whom shall be appointed by the Governor; and the Governor [Secretary] of State, State Treasurer and State Superintendent of Public Instruction shall, by virtue of their office, be members of said board.

State treasurer treas'r of board.

SEC. 3. The State Treasurer shall, by virtue of his office, be treasurer of said board, and the members thereof shall annually select one of their number president, and one of their number secretary.

Directors not to be interested in contracts.

SEC. 4. No member of said board of directors shall, during his continuance in office as a member of said board, act as the agent of any publisher or publishers of school books or school library books, or become interested in the publication or sale of any such books, as agent or otherwise; and the Governor of this State is hereby authorized and required, upon satisfactory evidence being produced to him that any member of said board is employed as such agent, or is interested in the manner aforesaid, by and with the advice of the State Superintendent and State Treasurer, to remove such member of said board from office, and appoint another member in his place, to fill such vacancy.

Principal and assistant teachers.

SEC. 5. Said board of directors shall have power to appoint a principal and assistant, to take charge of said school, without expense to the State, and such other teachers and officers as

may be required in said school, and fix the salary of each, and prescribe their several duties. They shall also have power to remove either principal, assistant or teacher, and to appoint others in their stead. They shall prescribe the various books to be used in such school, and shall make all the by-laws necessary for the good government of the same.

Experimental school.

SEC. 6. Said board shall also establish an experimental school in connection with said Normal School, in which the pupils shall have opportunity to practice the modes of instruction and discipline inculcated in the State Normal School; and said board shall make all the regulations necessary to govern and support the same, and may, in their discretion, admit pupils free of charge for tuition, and without expense to the State.

Regulations.

Secr'y of board to notify Sup't Pub. Instruction.

SEC. 7. As soon as said Normal School is prepared to receive pupils, the secretary of the board of directors shall notify the Superintendent of Public Instruction, who shall immediately give notice of the fact to each County Clerk in the State.

Rules, &c.

SEC. 8. The board of directors shall ordain such rules and regulations for the admission of pupils to said Normal School as they shall deem necessary and proper. Every applicant for admission shall undergo an examination in such manner as may be prescribed by the board, and if it shall appear that the applicant is not a person of good moral character, such applicant shall be rejected. The board of directors may, in their discretion, require any applicant for admission to said school other than such as shall be by law entitled to admission free, and who shall, prior to such admission, sign and file with said board a declaration of intention to follow the business of teaching common schools in this State, to pay or secure to be paid such fees for tuition as the said board shall deem reasonable.

One pupil from each Rep. dist.

SEC. 9. That each representative district in this State shall be entitled to send one pupil each term of twenty-two weeks of said school, said pupil to be recommended by the representative of the district to the board of directors; the person thus recommended shall be admitted free of tuition: *Provided*, the applicant shall be of good moral character, and shall sustain a satisfactory examination. and sign a declaration of intention to follow the business of teaching common schools in this State: *And provided further*, that pupils may be admitted without

signing such declaration of intention on such terms as the board of directors may prescribe; and said board of directors are hereby authorized to make such order as they may deem proper for the separate education of white and colored pupils in said institution, securing to them equal educational advantages.

Visitors — how appointed.

SEC. 10. After said Normal School shall have commenced its first term, and at least once in each year thereafter, it shall be visited by three suitable persons, not members of said board, to be appointed by the Superintendent of Public Instruction, who shall examine thoroughly into the affairs of the school, and report to the Superintendent their views with regard to its condition, success and usefulness, and any other matters they may judge expedient. Such visitors shall be appointed annually.

Sup't Public Ins. to visit once a year.

SEC. 11. It shall be the duty of the Superintendent of Public Instruction, once at least in one year, to visit said Normal School, and he shall annually make to the Legislature a full and detailed report of the doings of the board of directors, and of all their expenditures and the moneys received for tuition, and the prospects, progress and usefulness of said school, including so much of the reports of said visitors as he may deem advisable.

Lectures.

SEC. 12. Lectures on chemistry and comparative anatomy, physiology, astronomy, and on any other science, or any branch of literature that the board of directors may direct, may be delivered to those attending the said Normal School, in such manner and on such terms and conditions as the said board may prescribe.

SEC. 13. As soon as any person has attended said institution twenty-two weeks, said person may be examined in the studies required by the board in such manner as may be prescribed, and if it shall appear that said person possesses the learning and other qualifications necessary to teach a good common school, said person shall receive a certificate to that effect from the principal, to be approved by the Superintendent of Public Instruction; and as soon as any person shall have completed the full course of instruction in the State Normal School, he

Diploma granted.

or she shall receive a diploma, which, when signed by the President of the institution, State Superintendent of Public

Instruction, and the board of directors of said school, shall be evidence that the person to whom such diploma is granted is a graduate of the State Normal School, and entitled to all the honors and privileges belonging to such graduates, and such diploma shall serve as a legal certificate of qualification to teach in the common schools of this State.

SEC. 14. The board of directors are hereby authorized to make such by-laws and regulations as they may deem proper for the well ordering and government of said school and board of directors in the transaction of their business: *Provided*, the same be not repugnant to the constitution or laws of this State or of the United States: *And provided further*, that the same may at any time be altered or abrogated by the Legislature. Said board of directors shall have power to transact all necessary business at any meeting, a quorum being present, and meetings may be called in such manner as their by-laws shall prescribe, and a quorum shall consist of a majority of the board. The first meeting may be held at such time and place as may be directed by the State Superintendent of Public Instruction, and no publication of notice thereof shall be necessary, and the attendance of a quorum shall render valid the proceedings of such meeting, and all process against such board shall be served on the president or secretary. By-laws.

SEC. 15. The members of the board of directors, appointed in pursuance of section second of this act, shall hold their office for three years and until their successors are appointed, and any vacancy which may occur in said board by death, removal, resignation or otherwise, shall be filled by appointment by the Governor. Directors to hold office three y'rs.

SEC. 16. That the board of directors provided for in this act, be and they are hereby authorized and empowered, in the name of the State, to receive by gift, grant or donation, any property that may be given, granted or donated to said institution, for the purposes of said institution; but said board of directors shall have no power to make any contract or incur any indebtedness in the organization or control of said institution, either in the name of the State, or for which the State may be made liable. Grants and donations.

SEC. 17. This act to take effect and be in force from and after its publication in the statute book.

Approved, February 16, 1864.

THOMAS CARNEY,
Governor.

CHAPTER C.

REGULATION AND SUPPORT OF SCHOOLS.

AN ACT to amend an act entitled "An act for the regulation and support of common schools," approved May, 1861.

Be it enacted by the Legislature of the State of Kansas:

Amended.

SECTION 1. That section thirty-three shall be so amended as to read as follows: "That it shall be the duty of the several school district clerks in this State to make out a certified list of all persons residing within their respective districts liable to pay taxes, and to transmit the same to the county clerk of their respective counties, on or before the first day of July, annually, except in incorporated cities.

School tax.

SEC. 2. That, where a school district tax has been voted, and, from the fault or negligence of any officer, or any other cause, has not been levied and collected in any year, the same shall be added to and collected with the taxes of the year following, and the County Treasurer shall pay over to the treasurers of the respective school districts all taxes he may have collected for the said districts, on the order of the district clerk, countersigned by the director.

Time and place.

SEC. 3. It shall be the duty of the County Superintendent to designate a particular time and place, in the spring and autumn of each year, for a general examination of teachers. Any teacher failing to be present at such general examination shall, on special examination, pay to the County Superintendent one dollar, on receipt of certificate.

School laws—how published.

SEC. 4. All laws relating to schools shall be published once in the *Kansas Educational Journal*, and this shall constitute their publication.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CI.

SCHOOLS—SUPPLEMENTAL.

AN ACT supplemental to an act entitled "An act for the regulation and support of common schools," approved March 2, 1863.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That, whenever there be not public money enough belonging to any school district in this State to support a public school the length of time desired, the district board may assess a tuition fee upon each scholar attending said school, to make up said deficiency: *Provided*, that no tuition fee shall be levied upon the scholars in any of the public schools of this State, in accordance with the provisions of this act, unless the entire amount of one-half of one per cent. for teachers' wages, as required by law, be first assessed upon the taxable property of the said school district.

SEC. 2. The Superintendent of Public Instruction, with the County Superintendent, shall organize and hold a teachers' institute, each year, in each Senatorial district in the State: *Provided*, board shall be furnished free of charge to all the teachers and members of the institute during its session, by the citizens of the place where the institute is held. Teachers' tutes.

SEC. 3. This act shall take effect from and after its publication in the *Topeka Tribune*.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 4, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER CII.

SALE OF SCHOOL LANDS.

AN ACT to provide for the sale of the school lands.

Be it enacted by the Legislature of the State of Kansas:

School lands. SECTION 1. That all lands granted by the Congress of the United States for school purposes, known as sections sixteen and thirty-six, together with all such as have been granted in lieu of said sections, may be sold, and such sale shall be regulated by the provisions of this act.

SEC. 2. Whenever twenty householders of any organized township in which the land is situated shall petition the superintendent of public schools of such county, to expose to sale any portion or portions of said land, describing the same, he shall, by and with the consent of the County Commissioners of his county, appoint in writing three disinterested householders residing in the county in which said land is situated, who being first duly sworn by an officer authorized to administer Appraisement. oaths, to faithfully perform their duties, shall appraise each legal subdivision of said land separately at its real value, and return their appraisement in writing, signed by them, to the clerk of the county; and in case any parcel of the said lands shall have been improved, the said appraisers shall, in addition to the appraisement of the land, return and file with the same a separate appraisement of the improvements upon the land: *Provided*, that no appraisement of land for less than three dollars per acre shall be of any validity or entitle any person to the provisions of this act.

County Clerk. SEC. 3. The County Clerk shall immediately file the said appointment and appraisement of said appraisers in his office, and record the same in a book kept for that purpose.

Lands heretofore settled and improved. SEC. 4. Any person claiming that he has heretofore settled upon and improved any portion of said lands, may file in the Probate Court of his county a petition stating that he has heretofore settled upon and improved the same, that the same has been appraised, and the amount of the appraisement, and asking that he be allowed to purchase the same: *Provided*,

that the heirs of deceased persons who have heretofore made such improvements upon said lands shall be entitled to all the rights accruing to actual residents thereon.

Testimony. SEC. 5. The said court shall require the petitioner to prove the facts set forth in his petition, and for that purpose shall hear all testimony which the County Superintendent of Public Instruction shall introduce to controvert said facts.

How disposed of. SEC. 6. In all cases where the court shall find that the petitioner has heretofore settled upon and improved school lands as set forth in his petition, the petitioner may purchase the said lands, not exceeding one quarter-section, for the appraised value thereof, exclusive of the value of improvements, sixty days thereafter; and after the expiration of the said sixty days the County Treasurer shall offer the unsold portion of all the appraised school land for sale at public auction, after giving four weeks notice thereof in some newspaper published in the county where the land lies, describing said land and giving the appraised value thereof, and stating the time and place of such sale; and in case no paper shall be published in such county, then said notice shall be given by posting the same at each voting precinct in said county at least four weeks previous to the sale, and no bid at said sale shall be received for less than the appraised value thereof. Timbered land may be subdivided into lots of such size as the Superintendent of Public Instruction and the County Commissioners may deem best; and in all cases one-half of the purchase money for timbered land shall be paid at the time of purchase, and the purchaser shall give a good and sufficient bond for the payment of the remainder, as for other lands under this act.

Payment. SEC. 7. Any person purchasing such land shall pay to the Treasurer of the county in which the same is situate one-tenth of the amount of the purchase money, taking therefor a receipt, which he shall present to the County Clerk, together with a bond in double the amount of the purchase money unpaid, conditioned that he will not commit waste upon said land, and that he will pay the balance of said purchase money in equal yearly installments, of not more than ten in number, together with interest at the end of each year thereafter on the balance unpaid, at the rate of ten per cent. per annum: *Providing*,

that the purchaser may pay the whole amount of the purchase money at any time.

Record kept. SEC. 8. The County Clerk shall thereupon enter the amount of the purchase money of the land, the amount paid upon the same, in a book kept for that purpose, and shall charge the same to the County Treasurer in the records of the county, and shall issue to the purchaser a certificate, under the seal of his office, showing the amount paid, the amount due, and the time when due, with interest, and that, upon the payment of said amounts, when due, with interest, he will be entitled to [a] patent to said land. It shall be the duty of the Attorney General to prepare a proper form to said certificates for the sale of said land, so as to protect the rights of the State and of the purchaser, his heirs or assigns.

Appropriation. SEC. 9. The interest on the deferred payments of the lands sold under this act shall be annually appropriated to the support of schools, as other school moneys, under the direction of the State Superintendent of Public Instruction, as provided by law.

Annual paym'ts. SEC. 10. The purchaser shall pay to the Treasurer annually the amount of each yearly installment, with interest, as specified in his bond, taking a receipt for the same, which he shall present to the County Clerk, who shall credit him with the same, and charge the amount to the Treasurer.

Report annually. SEC. 11. The County Clerk shall annually, on or before the first day of January in each year, transmit to the Auditor of the State an abstract of the lands for which he has issued certificates during the year, the amount of the purchase money for the same, the amount paid on each parcel of land, and the amount paid on yearly installments for the current year, principal and interest separately.

Duty of Auditor. SEC. 12. The Auditor shall charge each of the Treasurers in the State the amount of moneys received as principal and interest, separately, from the sale of school lands in their respective counties, as certified by the clerks of the several counties, and, upon the payment of said moneys to the Treasurer of the State, and the presentation of the State Treasurer's receipt, shall credit the several treasurers with the amount of the same.

Duty of County Treasurer. SEC. 13. The treasurers of the several counties shall pay over annually to the Treasurer of State the amount received

in their counties from the sales of school land, taking a receipt therefor, which, when endorsed by the Auditor of State, shall be presented to the clerk of his county, who shall credit him with the amount of the same; and any treasurer failing so to do shall be liable in double the amount not paid over, on his official bond, to be recovered by action in the District Court, in the name of the State of Kansas.

SEC. 14. No purchaser of school land, prior to his obtaining title to the same, shall commit any waste upon such land, or take or remove mineral or timber from the same other than for use upon or improvements of said land. The lands purchased under this act shall be subject to taxation as other land, and in case of non-payment of any taxes charged thereon, the said lands may be sold as in other cases, but the purchaser at said sale be subject to all the conditions of the bond of the original maker, and of the certificate of purchase. Taxation of said lands.

SEC. 15. On presentation of a certificate of the County Clerk, endorsed by the Auditor of State, showing that any person has paid the full amount of purchase money and all interest due for any portion of the school lands, in accordance with the provisions of this act, the Governor of the State shall issue a patent to the purchaser, his heirs or assigns, for the same. Patent.

SEC. 16. Any person failing to pay the purchase money of school land, or any installment of the same, shall forfeit all right to the land from the time of said failure of payment, and the prosecuting attorney shall proceed to eject him from said premises, if in possession. Forfeiture.

SEC. 17. Lands from which purchasers have been ejected shall be reappraised, and may be purchased by any person in accordance with the provisions of this act, and in all cases lands which have not been claimed or purchased shall be reappraised once in every five years: *Provided*, that they may be reappraised at any time on petition of one-half of the *bona fide* householders of the township in which the lands lie, to the board of County Commissioners of the county, at their discretion; but such reappraisement shall be conducted according to the provisions of this act, and the sales upon the same shall be conducted in all respects in accordance with the provisions of this act. Re-appraisem'nt.

Who shall not purchase.

SEC. 18. It shall be unlawful for the County Superintendent appointing the appraisers, or the persons appraising the lands, to purchase either directly or indirectly any portion of the lands appraised by them.

No sale without vote.

SEC. 19. No school lands shall be sold under the provisions of this act until the sale of the school lands shall have been authorized by a vote of the people at a general election.

Proceeds of sale —how invested.

SEC. 20. The proceeds of the sale of school lands shall be invested by the board of commissioners for the management and investment of school funds, in the bonds or other interest paying securities of this State or of the United States, at the current market price thereof at the time of making such investment.

SEC. 21. At the next general election to be held in the State on the Tuesday after the first Monday of November, A. D. 1864, a vote of the people shall be taken for and against the sale of the school lands, as provided for in this act.

Vote.

SEC. 22. Each elector shall express his assent or dissent to the sale of the school lands by voting a written or printed ballot labeled "For the sale of the school land," or "Against the sale of the school land."

Ballots.

SEC. 23. Such votes shall be canvassed as the vote for State officers, and if, upon the canvass of such vote, a majority of all such votes cast shall be for the sale of the school lands, this act shall be in force from and after such canvass, but may be amended by any subsequent Legislature; and the Governor shall issue his proclamation declaring such result, and after the date of such proclamation, said lands shall be subject to sale as is provided for by the terms of this act.

Canvass.

SEC. 24. This act to be in force and take effect from and after its publication in the statute.

Approved, February 22, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CIII.

COLLECTION OF MONEY DUE SCHOOL FUND.

AN ACT to provide for the collection of money due the school fund.

WHEREAS, lands were donated to the Territory of Kansas, for the use of schools in said Territory and the State to be erected out of the same, by the thirty-fourth section of the organic act of the Territory of Kansas; and whereas, by a law of the Territory of Kansas, some portions of said lands were sold for the purposes contemplated by said thirty-fourth section of said organic act; and whereas, the proceeds of said sales have been loaned out under the said law of said Territory, and said law was afterwards repealed, and no officer is now authorized by law to receive or take charge of the said funds; therefore,

Be it enacted by the Legislature of the State of Kansas:

Duties of County Treasurer.

SECTION 1. That it shall be the duty of the County Treasurers of the several counties to collect, receive and take charge of, and pay over to the Treasurer of State, all money that may be due to the school fund of the late Territory of Kansas, or any county or township of the State of Kansas or of the late Territory of Kansas, arising from the sale of sections No. sixteen and thirty-six, or any other school lands sold under any law of the late Territory of Kansas; and, for the purposes aforesaid, the said County Treasurers of the several counties of this State are hereby authorized to sue for and collect, by civil action, in their official capacity, any of the moneys aforesaid that any person or corporation may hold and refuse to pay over, after reasonable notice and demand for that purpose; and it shall be the duty of the attorney of the county or district, when required by any County Treasurer, to prosecute the said suits: *Provided*, when in any case said school moneys aforesaid have been loaned on good security, and the security remains good, so as to prevent any loss of the same, the said treasurer may permit said parties to hold said moneys by paying the interest semi-annually, at a rate not less than seven per cent. per annum, and renewing the security as often as the safety of said money requires.

SEC. 2. This act shall be in force from and after its publication once in the *Kansas Educational Journal.*

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Kansas Educational Journal* for March, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER CIV.

ENDOWMENT FUND OF STATE UNIVERSITY.

AN ACT relating to the Endowment Fund of the State University.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. The State Treasurer is hereby authorized and directed to refund and pay over to the mayor of the city of Lawrence, or the person acting as mayor, to be refunded to the contributors to the university fund, the sum of five thousand one hundred and sixty-seven dollars, to be deducted from the endowment fund of the State University made by the citizens of Lawrence, taking duplicate receipts therefor, one to be filed in the State Auditor's office, and the other to be filed in his own office.

SEC. 2. It is hereby made the duty of the Governor and State Treasurer to invest the balance of said endowment fund in Kansas bonds of such description as they may see fit, the bonds to be bought at their lowest market value.

SEC. 3. This act shall be published by the Secretary of State once in the *Lawrence Daily Tribune*, immediately upon it passage, and be in force from and after such publication.

Approved, February 15, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Lawrence Daily Tribune* for February 19, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER CV.

ORGANIZING STATE UNIVERSITY.

AN ACT to organize the University of the State of Kansas.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. There shall be established in this State, at or near the city of Lawrence, in the county of Douglas, on the grounds secured for that purpose, pursuant to the act entitled "An act to locate the State University," passed Feb. 20, 1863, an institution of learning, under the name of the University of Kansas.

SEC. 2. The object of the university shall be to provide the inhabitants of this State with the means of acquiring a thorough knowledge of the various branches of literature, science and the arts.

Government.

SEC. 3. The government of the university shall vest in a board of regents, to consist of a president and twelve members, who shall be appointed as hereinafter provided, and the State Superintendent of Public Instruction and Secretary of State shall also, during their respective terms of office, be *ex officio* members of said board. A majority of the board shall constitute a quorum for the transaction of business.

Appointment by Governor.

SEC. 4. The members of the board of regents shall be appointed by the Governor of the State, by and with the advice and consent of the Senate, two-thirds of the Senators concurring therein, and shall hold their offices respectively, except those appointed to the first board, for the term of six years from the first Monday of September succeeding their appointment, and until the appointment of a successor: *Provided*, that

not more than three of the regents to be appointed shall be members of the same religious denomination. Immediately upon the passage of this act, it shall be the duty of the Governor to appoint the members of the first board of regents, four of whom he shall appoint for two, four for four, and four for six years, from the first day of September next; and every second year after the passage of this act, there shall be appointed as aforesaid, for the term of six years, four members of said board, whose term of office shall commence on the first day of September after their appointment.

Vacancy—how filled.

SEC. 5. Whenever [there] shall be a vacancy in the office of regents of the university, from any cause whatever, it shall be the duty of the Governor to fill such office by appointment, and the person or persons so appointed shall continue in office until the close of the Legislature then next thereafter, and until others are appointed in their stead.

Body corporate.

SEC. 6. The regents of the university and their successors in office shall constitute a body corporate, with the name and style of the Regents of the University of Kansas, with the right, as such, of sueing and being sued, of contracting and being contracted with, of making and using a common seal, and altering the same at pleasure.

Appointments.

SEC. 7. The regents shall appoint a secretary, a treasurer and a librarian, who shall hold their respective offices during the pleasure of the board. It shall be the duty of the secretary to record all the proceedings of the board and carefully to preserve all its books and papers. The treasurer shall keep a true and faithful account of all moneys received and paid out by him, and shall give such bonds for the faithful performance of the duties of his office as the regents may require.

By-laws and regulations.

SEC. 8. The regents shall have power, and it shall be their duty to enact laws for the government of the university, to elect a chancellor, who shall be, *ex officio*, president of the board of regents, or when absent the board may appoint a president *pro tem.* They may also appoint the requisite number of professors and tutors, and such other officers as they may deem expedient; also determine the amount of their respective salaries.

SEC. 9. There shall be two branches of the university, viz: a male and a female branch. The female branch may be

taught exclusively by women, and buildings for that branch shall be entirely separate from the buildings of the male branch. And to establish and maintain the said female branch, the regents shall annually appropriate a sufficient amount of the funds of the university.

Departments.

SEC. 10. The university shall consist of six departments. First, the department of science, literature and the arts; second, the department of law; third, the department of medicine; fourth, the department of theory and practice of elementary instruction; fifth, the department of agriculture; sixth, the normal department. The immediate government of the several departments shall be entrusted to their respective faculties, but the regents shall have the power to regulate the course of instruction, and prescribe, under the advice of the professorships, the books and authorities to be used in the several departments, and also to confer such degrees and grant such diplomas as are usually conferred and granted by other universities.

Removals.

SEC. 11. The regents shall have power to remove any officer connected with the institution, when in their judgment the interests require it.

Admission fees.

SEC. 12. The fee of admission to the university shall never exceed ten dollars, and the charge for tuition in the first and fourth departments shall never exceed in one year, to the residents of the State, thirty dollars; and as soon as the increase of the university fund will permit, tuition in those departments shall be without charge to all students in the same who are residents of the State.

Funds.

SEC. 13. The regents are authorized to expend such portion of the income of the university fund and the fund now on hand as they may deem expedient, for the erection of suitable buildings and the purchase of apparatus, a library and cabinet of natural history: *Provided*, that before they make any purchase or proceed to the erection of such buildings, they shall submit a plan of the same to the Governor and Secretary of State, which shall be approved by them: *And provided further*, that before proceeding to erect said university building, or any part thereof, there shall be on hand and provided for, money sufficient to erect and complete an entire section or wing of said building, or a building entire of itself.

Annual report.

SEC. 14. The regents shall make a report annually to the Legislature at its regular session, exhibiting the state and progress of the university in its several departments, the course of study, the number of professors and students, the amount of expenditures, and such other information as they may deem proper. Meetings of the board may be called in such manner as the regents may prescribe, and any seven of them, at a meeting regularly called, shall be a quorum for the transaction of business, and a less number may adjourn from time to time. No sectarian tenets or opinions shall be required to entitle any person to be admitted as a student in said university, and no such tenets or opinions shall be required as a qualification for any person as tutor or professor of said university.

SEC. 15. Nothing herein contained shall be construed as involving the State in any expense in the organization of said university.

SEC. 16. This act to take effect on and after its passage.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CVI.

STATE UNIVERSITY GROUNDS.

AN ACT relating to the State University grounds.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the Governor is hereby authorized to assume control of the State University grounds, and to cause the same to be fenced and set out with trees, and to lease said grounds on such terms as he may deem best.

SEC. 2. That the sum of one thousand dollars is hereby appropriated out of the interest that may arise from the university fund, and under the direction of the Governor, for the purpose of carrying out the first section of this act; and the Auditor of State shall draw his warrant on the State Treasurer

for all expenses incurred under this act, on vouchers approved by the Governor, to be paid out of the interest accruing from the university fund.

SEC. 3. This act shall be once published in the Lawrence *Daily Tribune*, and be in force from and after such publication.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the Lawrence *Daily Tribune* for March 3, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER CVII.

TO CANCEL STATE WARRANTS.

JOINT RESOLUTION to provide for cancelling certain State warrants.

WHEREAS, by an act of the Legislature of the State of Kansas, entitled "An act making appropriations for the current expenses of the year 1861 and 1862," approved March 5th, 1862, there was appropriated for expenses in connection with the trial of cases of impeachment ten thousand dollars, and of the sum so appropriated, the sum of one thousand dollars was drawn by the chairman of the managers on the part of the House prior to said trials, for the purpose of procuring testimony for said trials; and whereas, P. B. Plumb, chairman of the managers on the part of the House, has made a return, under oath, of the amount expended and the manner in which the same was expended, and has paid to the Auditor of State the amount remaining in his hands, consisting of State warrants drawn in favor of the said P. B. Plumb, chairman, dated and numbered as follows: March 6th, 1862; Nos. 1389 and 1391, for one hundred dollars each, and Nos. 1393 to 1397,

inclusive, for fifty dollars each, making in all five hundred dollars; therefore,

Be it resolved by the Legislature of the State of Kansas:

That the Treasurer and Auditor of State are hereby required to forthwith cancel the warrants above named, by causing to be written upon the face of such warrants the word "Cancelled," and the date of the same, and deposit the same, when so cancelled, with the Auditor of State, who shall preserve the same in his office, and forthwith thereafter report to the House of Representatives the number, amount and date of deposit of such warrants.

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CVIII.

CAPITOL BUILDINGS AND GROUNDS.

AN ACT in relation to State Capitol Buildings and Capitol Grounds.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the Governor and Auditor are hereby authorized to take charge of the State buildings at Topeka, and make such improvements upon the same, and the lots upon which they stand, as they may deem best, not exceeding the amount herein appropriated.

SEC. 2. That the Governor and Auditor are hereby authorized to take charge of the grounds in Topeka, granted to the State for capitol purposes, and rent the same or make such other arrangement for their care as they may deem best. That they shall have the fences repaired and the grounds planted with shade trees, and such other improvements as they may deem best, not exceeding the appropriation herein provided for.

SEC. 3. That the sum of nine hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of

any money in the treasury not otherwise appropriated, for the purposes provided in this act.

SEC. 4. This act shall take effect and be in force from and after its publication in the *Topeka Tribune*.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 5, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER CXIX.

SETTLEMENT.

JOINT RESOLUTION in regard to a settlement of matters of difference between the State and R. S. Stevens and H. R. Dutton.

WHEREAS, The State of Kansas is now prosecuting two civil actions, one against R. S. Stevens, the other against H. R. Dutton, late State Treasurer, and other defendants; therefore, that the matters of difference, severally involved therein, may be adjusted,

Be it resolved by the Legislature of the State of Kansas:

SECTION 1. That the Auditor and Attorney General are hereby empowered to settle such actions, and the matters of difference severally involved therein, or either of them, upon such terms as they may deem to the best interest of the State, and upon the payment into the State treasury of the sum of money, or other consideration agreed to be accepted by said Auditor and Attorney General, in satisfaction of the matter of difference involved in either of said actions, within such time as may be so agreed, the Attorney General is authorized to have entered of record in the court wherein such action is now pending, full satisfaction thereof.

SEC. 2. That three referees are hereby provided to be selected, as follows: one by the House of Representatives, one by the Senate, and one by either or both of said defendants, as may by them be agreed upon, to whom, in event that either of said actions shall not be settled as before provided for, on or before July 1st, 1864, the matters of difference involved in either or both of said actions, may be submitted upon the filing with said Auditor of a written agreement, executed on the part of either of said defendants who may desire to take advantage of the propositions herein offered to the State, to the effect that he or they will faithfully perform the award to be agreed upon by either two of such arbitees or referees; and in such event, such referees shall, at such time and place as either two of them may agree upon, notice of which shall be given thirty days prior to such time, in the *Topeka Tribune*, by one insertion, take an oath to faithfully discharge their duties as such referees, and proceed to hear and determine the matters of difference involved in such action; and to that end either of said referees is empowered to administer oaths and affirmations to witnesses; and any two of said referees may adjourn such hearing from time to time as they may deem necessary, and the determination of either two of said referees, made in writing, shall be binding upon the parties as to the matter involved in any such action so submitted: *Provided*, such parties fully comply therewith, within thirty days from publication thereof, by filing same in the office of the Secretary of State.

SEC. 3. That nothing herein contained shall operate as a stay of proceedings in either of such actions later than September 1st, 1864, or to bar or abate either of such actions, or affect the liability of any such defendants, until full execution of any agreement for the adjustment thereof, made on the part of the State by said Auditor and Attorney General, they being the judges of such execution, or in event that no such agreement is made until the decision thereon of two such referees shall have been so filed with the Secretary of State, and fully executed within the time before provided, such referees being judges of such execution.

SEC. 4. That if either of the two referees first provided for fail to qualify as before provided for, the Governor of this

State shall fill his place by appointment. And whenever matters involved in either of such actions shall have been fully adjusted as herein before provided for, the Attorney General is authorized to enter satisfaction of same of record in the court wherein same is now pending.

SEC. 5. That any party to either of such actions may take or use depositions the same as before the passage of this resolution, to be used either before said referees or in the court wherein such action is now pending; and in any hearing before such referees, any competent evidence may be offered.

SEC. 6. That this act shall take effect and be in force from and after its publication once in the *Topeka Tribune*, a newspaper published in the city of Topeka, and it is hereby made the duty of the Secretary of State to cause such publication to be made forthwith.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 4, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER CX.

STATE ROADS.

AN ACT to establish certain State Roads.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That State roads, as described in the following sections, shall be located according to the provisions of this act, and that the persons whose names are hereinafter given in connection with said roads, shall act respectively as commissioners for that purpose.

SEC. 2. The roads and commissioners shall be as follows, to wit: 1st, one from Lawrence, by way of Eudora, De Soto [and] Shawneetown, to the State line at or near Kansas City; commissioners, Chas. Durr, J. C. Williams and John A. Chapman. 2nd, one from the town of Clinton, in the county of Douglas, by the way of the Wakarusa valley, to the town of Auburn, in the county of Shawnee, and from thence to a point on the State road from Topeka to Wabaunsee, near the house of H. J. Loomis; commissioners, William Disney, G. W. Hamilton and F. O. Black. 3d, one from Topeka, Shawnee county, by way of Livingston's crossing on the Wakarusa, Centropolis, Ohio City crossing of the Osage river, Ohio City, Berea and Mapleton; commissioners, George H. Holmes, J. Brockway and Wm. L. Delano. 4th, one from Osawkee, in Jefferson county, to Topeka; commissioners, Joseph B. Oliver, James H. Jones and John W. Farnsworth. 5th, one from Lawrence to north line of Bourbon county, in direction of Fort Lincoln, Osawatomie and Davis's Gap, near the Armstrong ford of Big Sugar creek and Mound City; commissioners, Thomas Taylor, A. W. Webster and A. H. Baird. 6th, one from Eudora, running south to the Santa Fe road at or near Black Jack; also, one running north from the Eudora ferry landing on the north side of Kansas river, to intersect the Pacific railroad at the nearest and most practicable point; commissioners, Charles Durr, George Deay and E. D. Pittengill. 7th, one from Council Grove, by the United States survey of the Santa Fe road of 1825, as near as practicable, to the eastern boundary of Johnson county; commissioners, Wm. D. Harris, Joel Spencer and J. Weaver. 8th, one from Council Grove to Marion Centre, Marion county; commissioners, John A. Watson, A. A. Moore and T. S. Huffaker. 9th, one commencing at Atchison city, via Monrovia, Holton and James's crossing, to the west line of Jackson county; commissioners, J. W. Williams, J. W. Best and S. J. H. Snyder. 10th, one commencing at Atchison, in Atchison county, thence to Doniphan, Geary City, Wathena, Columbus, Charleston and White Cloud, in Doniphan county, to the Nebraska line; commissioners, Joseph H. Gilbert, N. C. Clark and John Thomas. 11th, one from the Ohio City crossing of the Marais des Cygnes to Mound City, by [the] Dutch

Henry crossing and Davis's Gap, near the Armstrong crossing of Big Sugar creek; commissioners, Henry Blackburn, Daniel Underhill and Johnson Clark. 12th, one from the city of Atchison, via Highland and White Cloud, to the northern boundary of the State, at or near the Great Nemaha agency; commissioners, Daniel Detrick, M. D. Nobles and William Jackson. 13th, one from the town of Highland, in Doniphan county, to the northern boundary of the State, in the direction of Fall City; commissioners, Wm. Bayless, John Chapson and S. F. Nesbit. 14th, one from Iowa Point to Holton, in Jackson county; commissioners, J. T. Lane, Jno. O'Neel and Thomas Watters. 15th, one from Topeka to Sac and Fox Agency, in Osage county, via Ridgeway and Valley creek; commissioners, Nelson Gorsler, Robert Clark and Enoch Chase. 16th, one from Atchison, via Pardee and Grasshopper Falls, upon the route now traveled and known as the Atchison and Topeka State road. 17th, one commencing at Olathe, Johnson county, from thence, on the county road, to Monticello; thence, on the said road, to the Kansas river, and crossing said river at or near the centre of section thirty-two, town eleven, range twenty-three, and thence following what is known as Waite's survey, to the city of Leavenworth. 10th, one commencing at the city of Topeka, to One Hundred and Ten, in Osage county; commissioners, Wm. D. Harris, Jacob Smith and Thomas Reynolds. 19th, one from the town of Versailles, in Osage county, to Neosho Rapids, Lyon county; commissioners, Alfred Baxter, Ira Philbinck and F. R. Page: *Provided*, that no county expense shall be incurred in the survey of said roads across Indian reserves. 20th, one commencing at Grasshopper Falls, and terminating at Monrovia, in Atchison county; commissioners, S. H. Snyder, P. J. Rodenek and Benjamin Hillman. 22d, one beginning at Lecompton, running north between the range line, 18 and 19, to Iowa Point, keeping the said line as near as may be practicable; the commissioners are D. T. Mitchell, of Lecompton, J. W. Best, of Monrovia, and J. P. Johnson, of Doniphan. 23d, one commencing at the city of Junction, in Davis county; thence to Pooler's crossing, on the Smoky Hill river; thence to Morris's crossing, on Lyon's creek; thence up Lyon's creek, to section

line between 33 and 34, township 15, range 4; thence to Marion Centre, in Marion county; commissioners, James Mansfield and Patrick Buckley, of Davis county, and W. H. Billings, of Marion county. One commencing at Lawrence, running by way of Baldwin City, Ohio City, Franklin county, to Garnett, Anderson county; thence to Carlile, Iola, Humboldt, Allen county; the same to be located as near the main traveled road as possible; commissioners, P. G. Renno, of Franklin county, Charles Hidden of Anderson county, and John Christe, of Allen county. One commencing at Junction City, by the way of Abelene and Solomon City, to the Santa Fe road, on the shortest and most practicable route, without expense to Morris county; commissioners, Edward Cobb, T. Hersey and Wm. Combs. 26th, that, from the point where the Lawrence and Emporia State road intersects the first quarter-section line south of the Neosho river, in Lyon county, the said State road shall be and is hereby changed and located from the point aforesaid, due south, to the southwest corner of section 11, township 19, of range 11; thence due west, to the town site of Emporia. One from the northeast corner of township No. 12, range 15; thence west one mile; thence south one-half a mile; thence west, through the centre of sections two and three, township 12, range 15, to the Potawatomie reserve; thence to a crossing on the Lykins beach, below the old Mission creek road; thence to the corner of sections twenty-two, twenty-three, twenty-six and twenty-seven; thence to the line of the Potawatomie reserve; thence west one-fourth mile, on said line; thence straight to the fork of the State road and Ross road, or station number 12, Topeka and Council Grove State road; commissioners, L. C. Wilmarth, J. Haskill and Jacob G. Miller. One from Council Grove to Cottonwood Falls; commissioners, Thos. White, J. W. McPherson and C. R. Rhoads. One commencing at Gardner, in Johnson county, to Ohio City, in Franklin county, by Peoria City; commissioners, Thomas C. Marshall, Johnson county, J. B. Burney, of Miami county, and David Burton, of Franklin county. 33rd, one commencing at Topeka, to Clinton, Douglas county, crossing the California road as near as practicable to the farm known as the Shields farm: commissioners, E. Disbrow, J. A.

Beam and J. Willits. 34th, one from Winchester to Leavenworth city, touching at the northeast corner of the southwest quarter of section twenty-six in township eight, range nineteen, running on said line, as near as practicable, directly east, to the southeast corner of the northeast quarter of section twenty-eight in township eight, range twenty; thence, by the way of Easton, to Leavenworth city; commissioners, N. W. Taylor, T. Gibson and G. R. Houts. 35th, one from Leavenworth, by Oskaloosa, to Topeka; commissioners, George Dickison, Henry B. Keller and Humphrey C. Finch. 36th, one from Lawrence, *via* Eudora and Olathe, to the eastern line of Johnson county, opposite Westport, in Missouri; commissioners, Benjamin Adair, John Wright and Charles Pellit. 37th, one commencing at a point on the Missouri river opposite the town of Amazonia, *via* Columbus City [and] Highland, to Hiawatha, Brown county; commissioners, Christian Dubeck and Christopher Ford, of Doniphan county, Charles Fox, of Brown county. One from Monrovia, Atchison county, *via* Pardee, Pleping's crossing on Crooked creek, to Webb's crossing on Big Stranger, there to intersect the road running to Fort Leavenworth; John Helwig, Pardee Butler and William Mayfield, commissioners. 40th, one from Atchison, by way of Robinson and Hiawatha, to Pardonia, Brown county; thence by one branch to Nebraska line, in direction of Fall City, in Nebraska, and by another branch from the same place to the Nebraska line, in the direction of Salem, in Nebraska; commissioners, Thomas Butcher, C. L. Carroll and W. H. Jones. 41st, one from White Cloud, in Doniphan county, to Hiawatha, in Brown county; commissioners, Thomas Ellis, M. B. Bowers and John H. Utt. 42nd, one from Hiawatha, in Brown county, *via* Hamlin, to Sabatha, in Nemaha county, and to Bales's crossing of Nemaha, of the northeast sec. 22, 21, range 11; thence to the line of Marshall county, in direction of Oketa; commissioners, E. H. Niles, A. Curtis and Andy Brewer. 43rd, one from De Soto, Johnson county, to Osawatomie, Miami, by Lanesfield; commissioners, C. V. Pellett, John Ellston and Jabez Holmes. 44th, one from Paola, *via* St. Marysville and Gardner, to De Soto, in Johnson county; commissioners, E. McLane, John A. Tuggle and H. A. Burgess. 45th, one from Burlington, Coffey

county, by the way of Janesville, to the point on Fall river where the fifth standard parallel crosses said stream; commissioners, O. Walking, Thomas Hill and C. Stapleford. 46th, one from Lawrence, by way of Franklin [and] Hesper School House, Douglas county, to Olathe, in Johnston county; commissioners, John Wallis, John Wright and J. Milligan. 47th, a road from Bachelor, Riley county, to a point on Solomon river, at or near where the second standard parallel crosses the said Solomon river; commissioners, A. B. Whiting, A. H. Foley, Moses Younkin. 48th, one from Lancaster, in Atchison county, to Doniphan, in Doniphan county; John Donellan, James Ingalls and E. A. Spencer, commissioners. 49th, one from Mound City to Ottumwa, by Garnett; commissioners, G. E. Dennison, Geo. W. Iler and Charles Buffer. 50th, one from Emporia, Lyon county, to Eureka, in Greenwood county; commissioners, E. H. Mosby, William Martindale and Noah Bexley. 51st, one from Junction City, *via* Quimby, to Clifton; commissioners, J. B. Quimby, D. Farron and P. B. Bush. 52nd, a State road from Emporia to Humboldt, *via* Hartford, Burlington, Leroy and Neosho Falls; commissioners, E. P. Hadley, of Emporia, D. H. Mills of Neosho Falls, and Ely Gilbert of Humboldt. 53d, one from Neosho Falls to Ohio City, *via* Central City; commissioners, John Woolman, of Neosho Falls, James Ireland, of Central City, and John Walrus, of Ohio City. 54th, one from De Soto, *via* Olathe, to Aubrey, in Johnson county; commissioners, J. B. Bell, H. A. Burgess and John T. Weaver. 55th, from Osawatomie to Emporia; E. Yeomans, S. J. Elliott and H. F. Sheldon. 56th, one from Grasshopper Falls to Troy, in Doniphan county; Herman Newman, George Van Gosbick and J. B. Maynard. 57th, one from Grasshopper Falls to Osawkee, in Jefferson county; commissioners, Wm. Holding, Wm. Cowen and Joseph B. Oliver; 58th, one from Atchison, west, on or near the first standard parallel, through the towns of Lancaster, Muscotah, Eureka, America and Irving, to the town of Clifton, on the Republican river; commissioners, W. W. Jerome, Levi S. Treat and C. B. Heith. 59th, one commencing at Baldwin City, Douglas county, *via* Peoria City, Franklin county, to Osawatomie, in Miami county; commissioners, M. H. Schofield, of Douglas county, Jacob Sunstim, of Franklin county,

and H. B. Smith, of Miami county. 60th, one from Troy, Doniphan county, to Kinekuk, Atchison county; commissioners, Wm. Vickery, J. B. Maynard, Roagal Baldwin. 61st, one from Lawrence, towards Fort Scott, to the north line of Bourbon county, by way of Ottawa Jones's and Dutch Henry's crossing, on the Potawatomie; commissioners, Thomas Sternbergh, Wm. Stroup and George Reynolds. 62nd, one from Manhattan, through the town of Irving, to Marysville, Marshall county; commissioners, B. W. Powers, N. J. Ireland and Peter Gift. 63rd, one commencing at Spring Hill, following the telegraph from Spring Hill to the city of Leavenworth, is hereby declared a State road. 64th, one commencing at Atchison, by Springdale, to Lawrence; commissioners, John Wright, of Walnut creek, George Dickenson and B. B. Moore.

Board of commissioners.

SEC. 3. The persons named in connection with each road shall act as a board of commissioners to locate the same under the rules and regulations hereinafter given, and each board shall, in all respects, be entirely independent in its powers.

Duty of board

SEC. 4. Each board of commissioners shall meet on or before the first Monday in August next, at the place designated for the commencement of the road they are to locate, and having first elected one of their number chairman and another secretary, and been sworn faithfully to discharge their respective duties and proceed to make a preliminary survey. Should any commissioner or commissioners be unable or refuse to serve as such, the remaining commissioner or commissioners shall fill the vacancy or vacancies with some suitable person or persons from the same locality.

SEC. 5. Each board shall procure necessary assistance and proceed to locate the roads upon the most direct and practicable route, not less than sixty feet nor more than one hundred in width, carefully planting double stones in the exact middle, at all angles, and at distances not greater than eighty rods apart, and said roads shall be open and remain open for the purpose of public travel.

Expenses.

SEC. 6. The whole amount of expenses incurred by each board in locating its road shall not exceed two dollars and one-half per mile, including their own expenses, and per diem of two dollars each day spent in actual service. Said board shall

cause to be kept an account of all expenditures, in detail, which account shall be rendered to the board of County Commissioners in the counties through which said road shall pass. Upon the receipt of such report, the County Commissioners shall audit the account, and draw warrants on the County Treasurer for the amount in proportion to the distance said road is located in their respective counties.

Compensation.

SEC. 7. It shall be the duty of all persons claiming compensation for the right of way for any of the above roads through their land, to present such claims to the road commissioners at the time of locating the road, or to the County Clerk of the county in which the land is situated, within thirty days thereafter; otherwise they shall be forever debarred.

Negotiation.

SEC. 8. Said commissioners are authorized to negotiate with the owners of the land and improvements through which the road may pass, for the right of way, and all requirements shall be in writing and signed by the owner of the land and at least two of the commissioners, and a minute made upon the record of the survey, showing the amount of damage claimed, if any, and if approved by the county board of commissioners, they shall order warrants to be drawn upon the County Treasurer, in favor of the parties sustaining such damage: *Provided*, that no damage shall be allowed for the passage of any of the State roads herein named, through any lands or improvements, when such roads are located on the line of any other lawful road.

When no agreement.

SEC. 9. That when no satisfactory agreement can be made with the owners of any lands or improvements through which any road may be located, the commissioners shall return the record of the amount offered by them to such person, to the County Commissioners transacting county business.

Damages and appeal.

SEC. 10. Any owner of land claiming damages not allowed by the County Commissioners, by reason of the opening of any road, may appeal to the District Court of the county in which the said land is located: *Provided*, such appeal be made within thirty days after the decision of the said county board of commissioners, the location of the said road and the decision of the said court shall be final, and if the damages thus awarded shall exceed the amount allowed by the County Commissioners, the cost of suit, together with all damages allowed,

shall be borne by the county; but if they shall not exceed the amount allowed, the costs shall be adjudged against the said claimants, and until paid shall stand as a judgment against his property the same as though rendered in any other suit.

Report of proceedings.

SEC. 11. It shall be the duty of each board to make a full report of their proceedings to the Secretary of State and to the County Commissioners of each county through which their road shall pass, and said report shall be accompanied by a map or chart, showing the length of the road in miles, and the counties and townships.

SEC. 12. It shall be the duty of the several boards of commissioners in creating the various roads provided for in this act, to locate the same upon the best possible ground consistent with straight and direct lines, as near as possible, avoiding, in all cases, making two or more angles where good ground for a road can be had upon a direct course, with but one angle; and whenever a county, Territorial or State road has been provisionally laid out in the direction of the proposed State road, then, provided such road be practicable, the commissioners shall accept such county, Territorial or State road as the proposed State road, and the said commissioners shall be entitled to no compensation for such location.

Duty of county board.

SEC. 13. Upon the receipt of said report it shall be the duty of the board of County Commissioners of any county through which said road shall pass, immediately to cause said road to be opened through said county according to law: *Provided*, that if any of said roads shall be located through any field with crops growing therein, or shall be located as otherwise to require the removal of any fence, the said board of County Commissioners shall allow a reasonable time for opening the same.

SEC. 14. The roads heretofore laid out by authority of law, and are known as Territorial roads, which have not been vacated by law, are hereby declared State roads, and shall be kept open and in repair, according to the provisions of this general road law.

SEC. 15. The State shall in no case be responsible for any expenses incurred in the location of the roads herein provided for,

SEC. 16. This act shall take effect and be in force from and after its publication in the *Topeka Tribune.*

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 4, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER CXI.

STATE ROAD.

AN ACT in reference to the Quindaro and Salina State Road.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the location of the Quindaro and Salina State road be changed as follows: 1st. Leave the old road at or near where the Topeka and Council Grove State road intersects said road; thence west on or as near the north boundary of the Kansas trust lands as the nature of the ground will admit, and intersecting the old road at or near the crossing of Clark's creek.

SEC. 2. The county board of commissioners of Morris county shall cause said road to be surveyed and platted, and a copy of the plat filed with the County Clerks of each county affected by said change, and shall pay all expenses of the same.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CXII.

ROADS.

AN ACT in relation to roads.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all applications for laying out roads not otherwise provided for in the State of Kansas, viewing, reviewing, altering and vacating any road, shall be, by petition to the County Commissioners, signed by at least twelve freeholders of the county, residing in the vicinity where said road is to be laid out, viewed, reviewed, altered or vacated; and one or more of the signers of any petition, presented as aforesaid, shall enter into a bond with sufficient security, payable to the State of Kansas for the use of the county, conditioned that the person or persons making such application for the location, view, review, alteration or vacation of any road, shall pay into the treasury of the county the amount of all costs and expenses accruing on such location, view, review, alteration or vacation. In case the prayer of the petitioners shall not be granted, or when the proceedings had in pursuance thereof shall not be finally confirmed and established, and on neglect or refusal of the persons so bound, after a liability shall have accrued, the County Clerk of the county shall collect or cause to be collected [such] bond, and pay into the county treasury the proceeds; and in all cases of contest, any court having competent jurisdiction shall have full power to render judgment for costs according to justice between the parties. Rules and Regulations.

SEC. 2. That all petitions for laying out or altering roads shall specify the place of beginning, the intermediate points, if any, and the place of termination of said road. Petition.

SEC. 3. That previous to any petition for a road, or for the alteration or vacation of any road, notice thereof shall be given by advertisement set up in the County Clerk's office, and in every township through which any part of said road is designed to be laid out, altered or vacated, at least twenty days previous to the meeting of the commissioners at which the petition shall be presented, which advertisement shall state when such petition is to be presented, and the substance thereof; Advertisement.

said advertisement shall also be published for two consecutive weeks in the county newspaper, if there be one published in the county; and, on the petition being presented, and the commissioners satisfied that notice has been given as aforesaid, they shall appoint three disinterested freeholders of the county as reviewers, who shall be a jury to assess and determine the compensation for the property sought to be appropriated, and they shall also assess and determine how much less valuable, if any, the land or premises from which such appropriation may be taken, will be rendered by the opening and construction of said road. The County Commissioners shall issue an order directing said reviewers and the County Surveyor to proceed, on a day to be named in said order, or on their failing to meet on said day, within five days thereafter, to view and survey and lay out or alter said road.

Notice in writing.

SEC. 4. That it shall be the duty of the principal petitioner to give at least six days' notice in writing to the owner or owners, or their agents, if residing in the county, or if such owner be a minor, idiot or insane person, then to the guardian of said person, if a resident of the county through whose land said road is proposed to be laid out and established, and also six days' notice to the viewers and surveyor named in the order of the commissioners, of the time and place of meeting, as specified in said order.

Duty of reviewers and surveyor.

SEC. 5. That it shall be the duty of the viewers and surveyor appointed as aforesaid, after receiving the notice required in the foregoing section, to meet at the time and place specified in the order of the commissioners aforesaid, or within five days thereafter, and after taking an oath or affirmation faithfully and impartially to discharge the duties of their appointments, respectively, shall take to their assistance two suitable persons as chain carriers, and one marker, and proceed to view, survey, lay out or alter said roads, as prayed for in said petition, or as near the same as in their opinion a good road can be made at a reasonable expense, taking into consideration the utility, convenience and inconvenience and expense which will result to individuals as well as to the public, if such road or any part thereof shall be established and opened or altered, and also as a jury discharge the duties required of them by the third section of this act. Said viewers shall also assess and determine

the amount of damages sustained by any person or persons through whose premises the said road is proposed to be established: *Provided*, that such viewers shall not be required to assess or award damages or compensation to any person or persons in consequence of the opening of said road, unless the owner or owners, or their agents or guardians, having been duly notified, as provided in section four, of the application and proceedings by which their property is sought to be appropriated or damaged, shall have filed a written application with said viewers, giving a description of the premises on which damages or compensation are claimed: *Provided further*, that all applications for damages shall be barred unless they are presented as provided for in this act.

Duty of surveyor.

SEC. 6. That the surveyor shall survey the said road, under the direction of the viewers, and cause the same to be conspicuously marked throughout, noting the courses and distances, and, at the end of each mile, shall cause the number of the same, from the commencement of said road, to be plainly marked on a monument erected for that purpose. He shall also make out and deliver to one of the viewers, without delay, a correct and certified return of the survey of said road, and a plat of the same; and the viewers shall make and sign a report in writing, stating their opinion in favor of or against the establishment or alteration of said road, or any part thereof, and set forth the reasons of the same, which report, together with the plat and survey of said road or alteration or vacation, shall be delivered to the County Clerk by one of the viewers, on or before the first day of the session of the commissioners then next ensuing; and it shall be the duty of the commissioners, on receiving the report of the viewers aforesaid, to cause the same to be read before their meeting, and, if no legal objections shall be made to said report, or sustained by a majority of said board of commissioners, and they are satisfied that such road will be of public utility, and the report of the viewers being favorable thereto, and no damages claimed or assessed, they shall cause said report, survey and plat to be recorded, and from thenceforth said road shall be considered a public highway; and the commissioners shall issue their order to the proper overseer of highways, directing him to cause said road

Report.

to be opened for public travel; but if the report of the viewers be against such proposed road or alteration, and, in the opinion of the commissioners, said report is a just one, and that such road as applied for is unnecessary, then no further proceedings shall be had thereon, and the obligor or obligors in the bond securing costs shall be liable for the full amount of all costs accrued by reason of the view of said road.

SEC. 7. That it shall be the duty of the viewers, at the same time that they make their report of the view, to make also a separate report to the County Commissioners, in writing, stating the amount of damages, if any, by them assessed, and to whom. They shall also be required to submit with such report the written application on which assessments have been made. All allowance for damages, as provided in this act, shall be subject to revision by the said board of commissioners.

Damages assess'd.

SEC. 8. That, when the place of beginning or true course of any road shall be uncertain, by reason of the removal of any monument or marked tree by which [the] road was originally designated, or from any other case, the County Commissioners of the proper county may appoint three disinterested land-holders of the county to re-view and straighten said road, if they deem it necessary, and the County Surveyor shall survey the same, and said reviewers and surveyor shall view and survey said road, and the same correctly mark, as in the case of new roads, and shall make a correct return of said survey and a plat of said road to the commissioners, who shall cause the same to be recorded as in other cases; and from thenceforth said road, surveyed as aforesaid, shall be considered a public highway.

County Commissioners—duty to appoint, &c.

SEC. 9. That when it shall become necessary to establish a road on a county line, the inhabitants along such line may petition the commissioners of their respective counties for a view of such road in the manner heretofore provided, and it shall be the duty of such board of commissioners for each of the counties interested, to appoint three discreet land-holders as viewers, who, or a majority of them, shall meet at the time and place named in the order, of the oldest county interested, together with the surveyor of said oldest county, and the viewers and surveyor aforesaid shall also be a jury for assessment

Viewers.

of damages, and shall in all respects be governed by the provisions of this act; and the viewers and surveyor aforesaid shall make their report in writing for or against such road, and the commissioners, upon receiving such report, shall be governed by this act.

SEC. 10. That if, on receiving such report, and there being no legal objection thereto, and the commissioners of all the counties interested, or a majority of them, shall be of the opinion that said road, if opened, would be of public utility, they shall order the same to be opened in the manner pointed out in this act. Road opened.

SEC. 11. That if any person, who shall be appointed by the County Commissioners as viewer or reviewer or as surveyor of any road, shall refuse or neglect to perform the duties required by this act, without making satisfactory excuse for such refusal or neglect, he shall be fined in any sum not exceeding ten dollars, to be recovered by action of debt, by any person sueing for the same, before any justice of the peace within the county wherein the person so appointed and refusing and neglecting may reside, and shall be paid over without delay, by the justice of the peace or constable collecting the same, to the County Treasurer, to be applied for the use of common schools. Penalty.

SEC. 12. That all persons required to render services under this act shall receive compensation for each day they shall necessarily be employed, as follows, to wit: viewers and reviewers, one dollar and fifty cents; chain carriers and markers, one dollar and fifty cents each; to be charged as cost and expense, and paid out of the county treasury on order of the commissioners. Compensation.

SEC. 13. That it shall be the duty of each and every overseer of highways to open or cause to be opened all county and State roads and highways which have been or may hereafter be laid out and established through any part of the district assigned to such overseer, the same to keep in repair, and [to] remove or cause to be removed all obstructions that may from time to time be found therein, for which purpose the overseer is hereby authorized to enter upon any uncultivated lands, unincumbered by a crop, near or adjoining the public road, to dig and carry away any gravel, sand or stone, and to purchase Duty of overs'rs.

any timber which may be necessary to improve or repair said road, and to enter upon any lands adjoining or lying near the road, to make such drains or ditches through the same as he may deem necessary for the benefit of the roads, doing as little injury to said lands as the nature of the case and the public good will permit; and the drains and ditches so made shall be kept open by such overseers, if necessary, and shall not be obstructed by the owner or occupant of such lands, nor by any other person, under the penalty of forfeiting a sum not exceeding ten dollars, to be recovered as provided for in the preceding section of this act. That any overseer of highways, who shall take away any stone or gravel, for the purpose of repairing any roads, or for building or repairing any bridge, shall, on the demand of the owner, give a certificate, showing the quantity and value thereof and the time when taken, and, on presentation of such certificate to the trustee of the township in which such road or bridge is situated, the owner of said certificate shall receive from the township treasurer such compensation as may be just and equitable.

To give certificate.

SEC. 14. That each overseer of roads, within his district, shall erect and keep up, at the expense of the township, posts and guide-boards at the forks of every State and county road, containing an inscription in legible letters, directing the way and naming the distance to such town or towns or public place or places as are situated on said road: *Provided*, the County Commissioners order it done; and any overseer of roads failing to do so in a reasonable time shall, upon conviction thereof before any justice of the peace of the proper county, be fined in any sum not exceeding five dollars, with cost of suit, and, when collected, it shall be paid in to the County Treasurer for school purposes.

Guide-boards.

SEC. 15. That all avenues, streets and alleys in villages, towns and cities which are or may be laid out agreeably to law, shall be and the same are hereby declared public highways: *Provided*, that the municipal authorities of any incorporated city, town or village may make, ordain and enforce such ordinance concerning the sidewalks of the streets of such city, town or village as shall be deemed necessary to prevent such sidewalks from being used for the passage of horses, or

Streets, &c., declared highways.

wagons, or carriages, or hitching horses or other animals thereon.

SEC. 16. That if any person shall willfully demolish, throw down, alter or deface any mile-stone or guide-board on or at the forks of any roads, or shall willfully obstruct such road by any means whatever, every person so offending shall, upon conviction thereof before any justice of the peace, in civil action, be fined in a sum not exceeding twenty or less than five dollars, with costs of suit, and when collected it shall be paid by the justice of the peace or constable collecting, into the county treasury for school purposes. Penalty.

SEC. 17. That all male persons between twenty-one and fifty years of age, who have resided thirty days in this State, and who are not a township charge, shall be liable each year to perform two days' work of eight hours each, on the public roads, under the directions of the overseer of highways within whose district they may respectively reside, or furnish a substitute to do the same, or pay the sum of one dollar and fifty cents per day. Roads to be worked.

SEC. 18. That the overseer of highways of each road district shall give three days' notice to persons residing in his district charged with a road tax, and the time and place he will attend and direct the work to be performed, as aforesaid. The overseer may direct what implements such person shall bring with which to perform said road work. Notice.

SEC. 19. That whenever it shall happen, in consequence of sickness or absence from home, or any other cause, that the two days' work aforesaid shall not be performed within the time specified in this act, the overseer shall be authorized to require the performance of such work at any time prior to the first day of November then next ensuing: *Provided*, that such delinquent may discharge the same by paying into the county treasury the sum of two dollars per day for road purposes: *Provided further*, that in any case when any person who shall neglect or refuse to do the two days of road work, or furnish a substitute, or pay the said sum of one dollar and fifty cents per day, as provided in section sixteen of this act, he shall be liable to pay to the said overseer of highways the sum of ten dollars, for the use of the road district in which he resides, to Penalty. Proviso.

be recovered in a civil action in the name of the road overseer, before any justice of the peace of the proper county; and any person against whom a judgment shall be rendered, shall be committed to the jail of the county till such judgment and costs are paid. If any person shall appear at the proper time and place, as directed by the overseer, and neglect or refuse to do a reasonable day's work, according to his ability, he shall be liable the same as if he neglected or refused to appear or pay the said sum of money, as provided for by section sixteen of this act.

Road tax levied.

SEC. 20. That the commissioners of each county shall, at the time prescribed by law for levying county taxes, levy a road tax of not more than five mills on the dollar, on all taxable real estate in their respective counties, and said tax may be paid in labor, under the direction of the overseer of the district in which the land is situated, by any able-bodied man, at the rate of one dollar and fifty cents a day.

Duty of County Clerk.

SEC. 21. That it shall be the duty of the County Clerk, immediately after such tax has been levied, to furnish to each township trustee a list of all the taxable real estate within their respective townships, and the amount of road tax chargeable to each tract. Said list shall be furnished on or before the first day of September of each year.

Duty of trustees.

SEC. 22. That the trustees of the several townships, after receiving the list mentioned in the preceding section, shall proceed to make out lists of all the taxable real estate within the various road districts, and shall deliver to the various overseers of highways the list of the taxable real estate within their respective road districts, with the amount of road tax chargeable to each tract of land, previous to the first day of October in each year.

Notice.

SEC. 23. That the overseers of the highways of the several districts shall give three days' notice to persons residing in their respective districts charged with the tax mentioned in the preceding section, of the time and place they will attend and direct the labor to be performed; and in case the whole of said tax due from the residents within any district shall not be paid in pursuance of the first notice, in consequence of absence from home, sickness, or other inability, the overseer shall appoint a

time that he will again attend, and shall give notice as aforesaid to such delinquents.

SEC. 24. That all road taxes remaining unpaid on the 1st day of August, shall be returned to the township trustee. The township trustee shall, before the 15th day of August, return all such delinquent road taxes to the County Clerk, who shall charge the same against the respective tracts of land on the county tax roll of the current year. Unpaid taxes.

SEC. 25. That the township trustee shall receive from the County Treasurer the delinquent road taxes paid within their respective townships, and shall appropriate the same to the building of bridges and the repairing of roads within their respective townships, and the purchase of the requisite number of scrapers and plows for repairing roads. Delinquent tax.

SEC. 26. That, if at any time any highway shall be obstructed or become impassable, or any bridge shall be impaired so as to be unsafe, it shall be the duty of the overseer of the district in which such obstruction, impassable road or impaired bridge may be situated, to cause such obstruction to be removed, or such road or bridge to be repaired forthwith, for which purpose he shall order out such number of inhabitants of his district, and every person so ordered out who shall refuse or neglect to attend with proper implements, or shall spend the time in idleness, shall forfeit two dollars, to be recovered as other forfeitures provided for in this act. Penalty.

SEC. 27. That in all cases where any person, under the direction of the overseer, shall perform more labor than may be due from him, he shall receive from the overseer a certificate therefor, specifying the amount of extra labor performed, which certificate shall be received for the amount specified therein in payment of road tax due from the holders thereof for the succeeding year. Compensation.

SEC. 28. That the width of all county roads shall be determined by the viewers, and shall be not less than forty feet nor more than sixty-six feet. Width.

SEC. 29. It shall be the duty of each overseer of highways to receipt each person who performs labor on the public highways in his district, according to the provisions of this act, for the amount of labor so performed, and shall specify in said Duty of overseer.

receipt the land or lands for which such labor was the payment of road tax, which receipt of overseers of highways shall be received by the County Treasurer in payment of road taxes charged against lands described therein; and further, that the County Treasurer shall receive no per centum on the amount of road taxes thus paid and receipted.

SEC. 30. That each and every overseer of highways who shall neglect or refuse to perform the several duties enjoined on him by this act, or who shall, under any pretense whatever, give or sign any receipt or certificate purporting to be a receipt or certificate for labor or work performed, or money paid, unless the labor shall have been performed or tax paid prior to the signing or giving of such receipt or certificate, every overseer so offending shall forfeit for every such offense not less than five nor more than fifty dollars, to be recovered by an action before any justice of the peace within the township where such overseer may reside; and it is hereby made the duty of every township trustee to prosecute, in the name of the proper township, all offenses against the provisions of this act not otherwise provided for.

SEC. 31. Any person elected as a road overseer who neglects or refuses to serve, shall be guilty of a misdemeanor, and be liable to a fine of ten dollars and costs of suit: *Provided*, no person shall be compelled to serve more than one term in such office.

Repeal.

SEC. 32. That an act defining the mode of laying out and establishing roads, approved February 27, 1860, be and the same is hereby repealed.

SEC. 33. That the Secretary of State cause this act, together with all other acts not repealed by this act, and now in force in relation to roads and highways, to be published in pamphlet form, and to be distributed to the several counties of this State, in numbers equal to the number of road districts in each of said counties.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CXIII.

STATE BOARD OF EQUALIZATION.

AN ACT to amend an act entitled "An act to create a State Board of Equalization."

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. Section 2 of an act entitled "An act to create a State Board of Equalization" is hereby amended so as to read as follows: "Said board shall consist of the following officers, to wit: Secretary of State, Treasurer and Auditor of State, who shall assemble at the seat of government of this State, on the first Monday of August, annually, for the purpose mentioned in the last preceding section of this act."

SEC. 2. Section 2 of said act is hereby repealed.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CXIV.

WYANDOTTE COUNTY CREDITED WITH TAX.

AN ACT to authorize the State Auditor to credit Wyandotte county with tax.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That, whereas the Congress of the United States, by treaty with the Wyandotte Indians, approved March the first, 1855, exempted all of the lands on the Wyandotte reserve from taxation for a period of five years from and after the organization of a State government over the territory where they reside; therefore,

Reserve lands exempt.

SEC. 2. That the State Auditor is hereby authorized and instructed to credit Wyandotte county with the amount of taxes charged against said county on all of the lands on the Wyandotte reserve, as soon as the County Commissioners of said county shall furnish the State Treasurer with an accurate

Duty of Auditor.

statement of the number of acres contained in said reserve, and assessed in 1861, the same being exempt from taxation, as aforesaid.

SEC. 3. This act shall be in force from and after its publication in the statute book.

Approved, February 10, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CXV.

ASSESSMENT AND COLLECTION OF TAXES—SUPPLEMENTAL.

AN ACT to amend an act supplemental to an act to provide for the assessment and collection of taxes.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. Section twenty (20) of an act supplemental to an act to provide for the assessment and collection of taxes, approved March 3d, 1863, shall be amended to read as follows: "In addition to any fees elsewhere specifically allowed for services to be performed under the requirements of this act, and of an act to provide for the assessment and collection of taxes, and of an act amending the same, approved March 6th, 1862, the following shall be allowed, to wit: the County Clerk, for every deed of land sold for taxes, seventy-five cents; to the person taking and certifying the acknowledgment of the same, twenty-five cents; to said clerk, on certificate of redemption, twenty-five cents; to the County Treasurer, for a certificate of sale of lands, twenty-five cents; for issuing certificate of redemption, twenty-five cents; to the printer who shall publish any notice of sale for taxes, for each tract other than lots, twenty-five cents for all the insertions; of each town lot, five cents for all the insertions; to the printer who shall publish any notice when the redemption of lands sold for taxes will expire, for each tract or lot of land, twenty-five cents for all the insertions."

SEC. 2. Said section twenty (20) of the act of which this is amendatory is hereby repealed.

SEC. 3. This act shall be in force from and after its publication once in the *Topeka Tribune*.

Approved, February 19, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for February 23, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER CXVI.

CITY OF ATCHISON TO LEVY TAX.

AN ACT authorizing the city of Atchison to levy tax to pay off judgments.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the mayor and board of councilmen of the city of Atchison are hereby authorized to levy and collect a cash tax, not exceeding one-half of one per cent. in any one year, to pay off judgments rendered against the said city up to the first day of January, A. D. 1864, (eighteen hundred and sixty-four): *Provided*, the provisions of this act shall not apply to any judgment rendered on city scrip or on coupons in Atchison city railroad bonds.

SEC. 2. The said tax shall be levied and collected at the same time and in the same manner as now provided by law for the levy and collection of other general taxes by said city.

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CXVII.

TERRITORIAL TAX REFUNDED.

AN ACT to refund to certain counties the Territorial taxes paid by them for 1860.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That for the purpose of refunding to certain counties the Territorial tax paid by them for 1860, the Treasurer of the State of Kansas shall, as soon as practicable, cause to be prepared suitable bonds, dated July 1, 1864, and bearing interest from date, at the rate of six per cent. per annum, which shall be payable annually on the first day of July, at the office of the Treasurer. The said bonds shall be signed by the Governor and countersigned by the Auditor, and the Secretary shall attest the same and affix the seal of the State of Kansas thereto.

Treasurer to prepare bonds.

Attest by secretary.

Coupons.

SEC. 2. Coupons for the interest shall be attached to each bond so that the coupons can be removed without injuring or mutilating the bonds, and shall be signed by the Treasurer. Said bonds shall be consecutively numbered and registered by the Treasurer, who shall keep a record of his proceedings under this act, showing the amount of bonds issued, their number and date, and to what counties the same were issued.

To be numbered and registered.

Duty of Auditor and Secretary of State.

SEC. 3. The Auditor and Secretary of State shall each keep a record of all bonds issued under this act, showing the number, amount and date of each bond.

SEC. 4. It shall be the duty of the Auditor to furnish the Treasurer with the amount of Territorial tax paid by each county for the year 1860, and to open and keep a bond account with the Treasurer, in a book kept for that purpose, in which he shall charge the Treasurer with all the bonds issued under this act.

Bonds issue to county entitled.

SEC. 5. That the bonds shall be issued in the name of the county entitled thereto, and shall be delivered to the County Commissioners or their authorized agent, and said Commissioners are authorized to transfer and sell the same, if in their opinion it will be for the interest of the county to do so, and if such bonds are not sold by the county, the coupons can be

used by such county in payment of State taxes charged against them each year.

Interest & sinking fund.

SEC. 6. The proper officers of the State of Kansas shall cause to be levied and collected in each year with the other State taxes, a tax sufficient in amount to pay the interest as the same accrues on all bonds issued under this act, and the proceeds of such tax are hereby appropriated to the payment of such interest. And the said officers shall also cause to be levied and collected, as aforesaid, a tax to create a sinking fund sufficient to pay the principal of said bonds when they shall become due; the proceeds of which tax are hereby appropriated to the payment of such principal. The amount of tax to be levied and collected as aforesaid, for payment of interest and principal, shall be determined by the officers causing the tax to be levied and collected.

Investment.

SEC. 7. The proceeds of the taxes levied to pay the principal of said bonds shall be annually invested by the Treasurer of the State of Kansas, in bonds issued under this act, at their market value in the city of New York, at the time the investment shall be made in the city of New York: *Provided*, such investment shall not be made in such bonds at more than their par value; and the Treasurer shall cancel all bonds and the coupons attached so purchased, and deposit the cancelled bonds with the Auditor of State.

Pledge of faith.

SEC. 8. The faith of the State of Kansas is hereby pledged for the payment of the bonds issued under this act, together with the interest thereon.

Duty of State officers.

SEC. 9. The Secretary of State, Auditor and Treasurer shall each transmit to the Governor an abstract of the proceedings under this act with their annual reports, to be by the Governor laid before the Legislature; and all books and papers pertaining to the matters in this act, in their respective offices, shall at all times be opened for inspection by any person interested.

Where payable.

SEC. 10. The bonds provided for in this act shall be payable at the office of State Treasurer, on the first day of July, A. D. 1864.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CXVIII.

COLLECTION OF DELINQUENT TAXES.

AN ACT to authorize certain cities to collect the delinquent taxes and assessments.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That, in all cities and incorporated towns of less than seven thousand inhabitants, when any tax for the years eighteen hundred and fifty-nine, eighteen hundred and sixty and eighteen hundred and sixty-one are unpaid, the mayor and councilmen are hereby authorized and required, on or before the first day of August next, to cause to be certified to the County Clerks of their respective counties a list of all the lands and town lots on which the taxes, in whole or in part, are unpaid for the years 1859, 1860 and 1861, and the taxes thereon, which taxes, so certified, the County Clerk shall place on the tax roll of the county, in a separate column, headed "Delinquent tax for 1859, 1860 and 1861," and said taxes shall be collected in like manner as other city taxes on said tax roll.

Delinq'nt taxes.

Procedure.

SEC. 2. That, in all cases where any town, village or city of less than seven [7,000] inhabitants, in the State of Kansas, has levied an assessment on any lots, lands or premises, for the improvement of any street, road or alley in any such town, village or city, and the owner of any such lots, lands and premises neglects or refuses to pay the sum so due for any such improvements, it shall be the duty of the clerk or register of any such town, village or city, on the order of the corporate authorities thereof, to certify the true sum charged to and due upon any such lots and lands, for improvements as aforesaid, to the County Clerk, and said County Clerk shall charge the proper sum to any lot, lands or premises, as certified to him from said clerk or register, and the same shall be then collected as other taxes are collected, and be subject to the same rules and regulations as are prescribed by law for the collection of taxes in other cases: *Provided*, that no injunction shall be allowed to restrain the collection of any such assessment, but any party who conceives himself aggrieved by any such assessment may

Duty of certain officers.

contest the same only as to the sum due for any such improvement, or any such lot, land or premises.

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CXIX.

DONIPHAN COUNTY TO BE CREDITED WITH TAX.

AN ACT to authorize the Auditor of State to credit Doniphan county with tax.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the Auditor of State is hereby authorized and directed to credit Doniphan county with the sum of five hundred and forty dollars of capitation tax, charged against said county for A. D. 1862.

SEC. 2. This act to take effect and be in force from and after passage.

Approved, February 26, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CXX.

ASSESSMENT AND COLLECTION OF TAXES.

AN ACT in reference to the assessment and collection of taxes.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. All lands entered as homesteads, including all improvements on the same, and improvements owned by any person upon Indian trust lands, or lands belonging to another person, shall be taxed as personal property, and the tax thereon shall be collected in the same manner as prescribed for the

Tax.

collection of taxes upon personal property, but the land shall in no case be returned or sold for the non-payment of taxes.

Duty of County Assessor.

SEC. 2. Between the first day of March and the first day of July in each year, the County Assessor in the several counties in this State shall ascertain by diligent inquiry, the names of all taxable persons in his county, and also all their taxable personal property owned on the first day of March, and all real estate therein for the year when by law the same is to be assessed, and shall assess and appraise the same as herein provided, and shall, for that purpose, require of any person liable to taxation, a statement, verified by his oath or affirmation, of all personal property, moneys, credits, investments in bonds, stocks, joint stock companies or otherwise, in his possession or under his control, on said first day of March.

Duty of County Clerk.

SEC. 3. The County Clerk shall deliver to the Assessor, on or before the first day of March in each year, the assessment roll of the preceding year, and the list of taxable lands, and take his receipt therefor, for the year when the assessment for real estate is ordered by law; and the Assessor, as soon as he shall have completed his assessment and made his assessment roll for the year, shall return the whole of such papers and documents to the Clerk.

Board of equalization.

SEC. 4. The Commissioners, or a majority of them, shall form a county board for the equalization of the real property of their county. They shall meet on the first Monday of July of each year, in the County Clerk's office, and shall examine the assessment roll of the current year, and equalize the valuation of the real estate for the year when the same is assessed, so that each tract or lot shall be entered on the tax roll at its true value, and shall make such changes in the valuation of personal property as shall be right and just, and for this purpose they shall observe the following rules: First, they shall raise the valuation of such tracts and lots of real property as in their opinion have been returned below their true value, to to such price or sum as they may believe to be the true value thereof, agreeable to the rules prescribed by this act, for the valuation thereof. Second, they shall reduce the valuation of such tracts or lots as in their opinion have been returned above their true value, as compared with the average valuation of the real property of such county, having due regard to the relative

situation, quality of soil, improvements on lots in towns, cities and villages, natural and artificial advantages possessed by each tract and lot. Third, they shall not reduce the aggregate value of the real property of the county, as returned by the assessor, with the additions made thereto by the County Clerk, as hereinbefore required. The County Clerk shall keep an accurate journal or record of the proceedings and records of said board.

Co. Treasurer.

SEC. 5. That, on or before the twenty-fifth day of January, in each year, the several County Treasurers shall pay to the State Treasurer, in legal currency or in State warrants, the amount of State tax received by them on or before the 15th day of January; and before the first day of July in each year, they shall pay the whole amount of State taxes collected in their respective counties; which tax, when so paid, shall be credited by the State Treasurer to the county so paying the same, and the State Treasurer shall give to the County Treasurer a receipt therefor.

County Assessor.

SEC. 6. That the Assessor shall make out and return to the County Clerk, on or before the first day of July, a true copy of his tax roll, which shall describe each quarter-section, or any sub-division thereof, and town lot, in alphabetical order; which tax roll shall show the aggregate valuation of all real and personal property of the respective townships: *Provided*, that the county board of Commissioners shall deduct from the pay of such Assessor five dollars per diem for every day after the first day of July that the Assessor shall retain such assessment roll in his possession.

Duty of County Clerk.

SEC. 7. It shall be the duty of the County Clerk to give notice, on or before the fifteenth day of June in each year, by publication three times in the newspaper of largest circulation in the county, or by written or printed notices, posted at every post office and in every precinct in the county in which there is no newspaper published, that the county board will meet on the first Monday in July, to act as a board of equalization to correct all errors in the assessment roll, at which time all persons feeling themselves aggrieved can appear before said board and have the same corrected.

SEC. 8. The State Treasurer, in settling with the County

Treasurer, shall credit the county the amount of traveling fees and commissions allowed by law to County Treasurers in settling with the State Treasurer.

SEC. 9. That this act shall take effect and be in force from and after its publication in the *Topeka Tribune*.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 5, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER CXXI.

TOWNSHIPS AND TOWNSHIP OFFICERS—AMENDATORY.

AN ACT to amend an act entitled "An act relating to townships and township officers," approved Feb. 27th, 1860.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That section 18 of an act entitled "An act relating to townships and township officers," approved February 27th, 1860, be amended, and shall read as follows: "Sec. 18. Every constable, within twenty days after his election, and before he shall take the oath of office, shall give an undertaking to the State of Kansas, in a sum not exceeding one thousand dollars nor less than five hundred dollars, with one or more sureties residing in the proper township, such as the board of County Commissioners shall approve, conditioned for the safe keeping and paying over to the proper person or authority all moneys which may be collected or received by him, or which may otherwise come into his hands by virtue of his office, and for the due, honest and faithful discharge and performance of all and singular his duties as such constable, according to law,

Amendment.

during his continuance in office. All township officers shall take the oath of office required by law within twenty days after their election."

SEC. 2. This act shall take effect and be in force from and after its publication in the *Topeka Tribune*, and it is hereby made the duty of the Secretary of State to cause such publication to be made forthwith.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 4, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER CXXII.

TOWN SITES.

AN ACT to amend an act entitled "An act to regulate the entries and disposal of town sites."

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That in all cases where town sites have been or shall hereafter be entered in this State, by the inhabitants of such town site in their corporate capacity, or by the Probate Judge of the county, for the use of the inhabitants thereof, as prescribed by law, the owners or original proprietors of which having neglected or refused to enter the same, it shall be the duty of the officer or person so entering such sites, to convey the same to the occupants and inhabitants of such town site, according to their respective interests, in the manner hereinafter prescribed. Certain duties.

SEC. 2. At any time after the entry [of] any such town site, the Probate Judge of the county in which such town may be situated, may appoint three commissioners, who shall not be Commissioners appointed.

residents of such town, or the owners of any interest therein; and it shall be the duty of such commissioners to cause an actual survey of such site to be made, conforming as near as may be to the original survey of such town, designating on such plats the lots or squares on which improvements are standing, with the name of the owner or owners thereof, together with the value of the same.

Duty of.

SEC. 3. Said commissioners shall, as soon as survey and plat shall be completed, cause to be published in some newspaper published in the county in which such town is situated, a notice that such survey has been completed, and giving further notice to all persons concerned or interested in such town site, that on a designated day the said commissioners will proceed to set off to the persons entitled to the same, according to their respective interests, the lots, squares or grounds, to which each of the occupants thereof shall be entitled. Such publication shall be made at least thirty days prior to the day set apart by such commissioners to make such division.

SEC. 4. After such publication shall have been duly made, the commissioners shall proceed, on the day designated in such publication, to set apart to the persons entitled to receive the same, the lots, squares or grounds to which each shall be entitled, according to their respective interests, including in the portion or portions set apart to each person or company of persons, the improvements belonging to such persons or company.

Apportionment of interest.

SEC. 5. After the setting apart of such lots or grounds and the valuation of the same as hereinbefore provided for, the said commissioners thall proceed to levy a tax on the lots and improvements thereon, according to their value, sufficient to raise a fund to reimburse to the parties who may have entered such site, the sum or sums paid by them in securing the title to such site, together with all the expenses accruing in perfecting the same, the fees due the commissioners and the surveyor for their respective services, and all other necessary expenses connected with the proceeding.

Tax levied.

SEC. 6. Such commissioners shall make due return of their proceedings to the Judge of Probate within ten days after the completion of their duties under this act, and shall, with such return, file all the papers, plats, valuations, assessments and other proceedings connected with such proceedings.

Filing of papers.

SEC. 7. The said Probate Judge shall then proceed to collect the taxes, levied as aforesaid, and he shall make deeds to the lots so set apart to the various parties entitled to the same, but no deed shall be made to any person until such person shall have first fully paid all the tax or assessment so levied against him; and in case any person shall refuse or neglect to pay such tax or assessment so made against him, the Probate Judge may proceed to offer such lots and improvements for sale to the highest bidder, first giving such public notice as may be required in case of execution against the lands and tenements of a debtor in the District Court. Collection of taxes.

SEC. 8. The Probate Judge shall reimburse the party or parties who may have entered and secured the title to such site, together with all the necessary expenses incurred out of the fund thus provided, taking their receipts therefor, which receipt shall be filed with the papers returned by the commissioners, and kept by him among the records of his court. Reimbursement.

SEC. 9. This act to take effect and be in force from and after its publication in the statute book.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CXXIII.

BOURBON COUNTY CREDITED WITH TAX.

WHEREAS, the county of Bourbon, in the State of Kansas, when organized, was erected out of the Indian Territory, being the New York Indian lands and Cherokee neutral lands; and whereas, the Indian title to the New York Indian lands was not extinguished until 1860, and the title to the Cherokee neutral lands still remains with the Indians; therefore,

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the State Auditor be and he is hereby directed to credit the county of Bourbon with the amount of

Territorial tax apportioned to said county prior to the year A. D. 1861, and now remaining unpaid.

SEC. 2. That this act shall be in force and take effect from and after its passage.

Approved, February 27, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CXXIV.

RAILROAD COMPANIES TO ACQUIRE TITLE TO LAND.

AN ACT to enable railroad companies to acquire title to land for railroad purposes.

Be it enacted by the Legislature of the State of Kansas:

To apply to br'd of County Commissioners.

SECTION 1. That any duly chartered and organized railroad company may apply to the board of County Commissioners of any county through which such company proposes to construct its road, to lay off, along the line of such proposed railroad, as located by such company, a route for such proposed railroad, not exceeding one hundred feet in width, except it passes through a hill or bluff, where it shall be the necessary width exceeding one hundred feet, through so much of said county as may be desired by such company, and also such land as may be deemed necessary for side tracks, depots and work-shops and water-stations, materials for construction except timber, a right of way over adjacent lands sufficient to enable such company to construct and repair its roads and stations, and a right to conduct water by aqueducts, and the right of making proper drains.

SEC. 2. Upon application being so made in writing, such board of County Commissioners shall forthwith proceed to lay off such route, side tracks, &c., for such distance through their said county as may be so desired, and of such width, within the limits aforesaid, and upon such location as may be desired by such company, having the same carefully surveyed, and ascertaining carefully the quantity of land necessary for such

purposes out of each quarter-section or other lot of land through which such route, side tracks, &c., is so located, and appraise the value of such portion of any such quarter-section or other lot of land, and assess the damages thereto; and when such commissioners shall ascertain that such portion of such quarter-section or lot belongs to different owners, they shall appraise the value and assess the damages of each such owner's interest; all which doings the board of commissioners shall embody in a written report, and file in the office of the County Clerk of such county.

Damages asses'd.

Report.

SEC. 3. Such County Clerk shall forthwith prepare and file in the office of the treasurer of such county a copy of such report; and if such company shall cause to be paid to such treasurer the account in full of such appraisement within ninety days of the time of filing such copy in such treasurer's office, such treasurer shall thereupon certify such fact upon such copy of report, in writing, under his hand and seal of office, and shall, upon demand of the persons severally entitled thereto, pay over the amounts of such fund to such persons as shall be respectively entitled thereto.

Report filed.

SEC. 4. If such company shall cause such copy of report, so certified, to be, within ten days after such certifying, filed and recorded in the office of the Register of Deeds for such county, it shall have the right to occupy the land so embraced within such route, &c., for the purposes necessary to the construction and use of its road, for the period of three years next thereafter; and to such portions of such road as over which a railroad shall be actually constructed within such time, title in fee simple shall vest in such company, its successors and assigns, as soon as so much of such railroad shall have been constructed fit for use.

SEC. 5. The public officers hereby required to perform duties shall be paid therefor by the company upon whose application they shall act.

SEC. 6. Before any board of County Commissioners shall proceed to lay off any railroad route, as herein provided for, notice of the time when the same shall be commenced shall be given by publication, thirty days before the time fixed, in some newspaper published in such county, or, if none be published

Notice.

therein, then in one of general circulation in the county wherein such is to be laid off.

SEC. 7. This act to take effect from and after its publication in the *Topeka Tribune.*

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Tribune* for March 5, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER CXXV.

STREETS, ALLEYS AND PUBLIC GROUNDS.

AN ACT to vacate the streets, alleys and public grounds in certain towns.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the streets, alleys, parks and public grounds of Laporte, Petersburg, Mount Vernon and Charleston, in Doniphan county; the town of West Hiawatha, in Brown county; the town of Gertrude and Merrimac, in Marshall county; the town of Lexington, in Johnson county; the town of Superior, in Osage county; the town of Waterloo, in Lyon county; and also the streets and alleys in and between blocks 13, 14, 15 and 16, in the town of Humboldt, Allen county; also the alley in block 26, in the town of Grasshopper Falls, Jefferson county, are hereby vacated.

Vacated.

SEC. 2. That the streets and alleys in the town of Clinton, in Douglas county, are hereby vacated, as hereinafter described: Commencing at the southwest corner of said town; thence north, to Fifth street; thence east, to K street; thence south, to the south line of said town; thence west, to the place of beginning; also all that part of said town site east of D street.

SEC. 3. The streets and alleys in the town of Hampden, in Coffey county, are hereby vacated, as hereinafter described: the east half of the southwest quarter, and the southeast quarter of the northwest quarter of section twenty-four, township twenty, and range fifteen.

SEC. 4. That the streets, alleys, parks and public grounds laid off, and on the south half of the southeast quarter of section thirteen (13), township six (6), of range eighteen (18), in the county of Atchison, are hereby vacated.

SEC. 5. The streets, alleys and public grounds of that part of the town site of Delaware, platted and laid out upon the southwest and northwest fractional quarter of section twenty (20), the southeast quarter of section nineteen (19), upon the northwest and northeast fractional quarter of section twenty-nine, all in township nine (9) of range twenty-three (23), in Leavenworth county, be and the same are hereby declared to be vacated; but this act shall in no way interfere with the original town site of Delaware.

SEC. 6. The lands included in the towns aforesaid, shall hereafter be subject to taxation in the same manner as if the same had not been laid out and platted as town sites. Taxation.

SEC. 7. This act shall be in force from and after its passage.

Approved, February 20, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CXXVI.

STREETS AND ALLEYS VACATED.

AN ACT to vacate certain streets and alleys.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all that portion of Sumner street, Fremont street, Washington street, Reeder street, and Eighth, Tenth and Twelfth streets, in that part of Baldwin City formerly known as Palmyra, and on the northwest quarter of section

thirty-four, township fourteen, range twenty, and north of Seventh street, are hereby declared vacated for use as public streets, alleys and highways; and the land of such vacated streets and alleys shall attach equally to the lots thereto adjacent on each side, in proportion to the frontage of such town lots.

Streets vacated.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, February 24, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CXXVII.

CONVEYING A PARK.

AN ACT to convey a certain park.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That Harvey D. Rice and Alanson K. Hawks are hereby authorized to convey to the trustees of the Hartford Collegiate Institute a park, seven hundred square feet, situated in Hartford, Lyon county, for the uses and purposes of said institute.

SEC. 2. This act to take effect and be in force from and after its passage.

Approved, March 1, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CXXVIII.

VACATING TOWNS AND CITIES.

AN ACT to vacate paper towns and cities.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That all lands within the State of Kansas which have been, either by individual owners, town companies or other incorporated bodies, set apart, surveyed, laid out or platted into towns, cities or villages, or additions thereto, and descriptions or plats of which, with streets, lanes, alleys, public grounds and lots, may have been made of record, according to law, but upon which, in fact, no town, city or village shall have been erected or exists, but which lands, so subdivided and platted, are unoccupied for the purposes of a town, city or village, are hereby declared to be vacated as such, and the streets, alleys and lanes shall revert to the owners of the lots platted upon them, in due proportion, and the public grounds to the original owners; and all surveys for the subdivision of such lands are expunged from record, and declared null and of no avail in any court of this State, and the lands hereby restored to their original condition under the surveys of the United States government, as if no platting for a town had taken place.

SEC. 2. That, for the purpose of deciding the question of the creation or existence in fact of a town, city or village—that is, whether lands to which the provisions of section one of this act are sought to be applied come under its intent, the following process shall be complied with, viz.: Upon the written petition of any one or more persons, who, by their written affidavit, represent that they are the owners of a majority of the lots or subdivisions of the town site or part of a town site, concerning which action is to be taken, the county board of the county in which the lands may be shall advertise in some newspaper published in the county, and by public notice posted on the land itself, for at least three weeks, that such application has been made, and that, on a stated day, the board will take testimony regarding the occupancy of the lands described, and,

upon the day set in such advertisement, shall so proceed to take testimony. If it appear to the county board, upon the day of hearing, that no inhabitants owning any of the soil, and dwelling upon any definite pieces or parcels of the land of the quantity of five or more acres in a body, protest against it, then the board shall make its certificate, declaring the provisions of section one of this act duly applied to such definite piece or parcel, and shall, in writing, describe the portions of the town site thus expunged, and, upon a plainly drawn or lithographic map of the whole land, as presented to it for investigation, denote and mark the portions from which, by the application of section one of this act, it has obliterated the survey of a town site. The county board shall then file such certificate and description and descriptive map in the office of the County Recorder, and ever thereafter the land shall be as if never a town site, and shall be taxed as parcels of land by appropriate descriptions in acres.

SEC. 3. This act shall take effect and be in force from and after its publication once in the *Daily Topeka Tribune.*

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

I hereby certify the foregoing to be a true copy of the enrolled law on file in my office, and that the same was published in the *Topeka Daily Tribune* for March 4, 1864.

W. W. H. LAWRENCE,
Secretary of State.

CHAPTER CXXIX.

STATE NORMAL SCHOOL.

AN ACT to aid the State Normal School.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That the sum of one thousand dollars is hereby appropriated to the State Normal School, to be used under the direction of the board of directors of said school, exclusively for the salaries of teachers in said school; and the Auditor of State is hereby required to draw his warrants on the Treasurer of State, in favor of the treasurer of said board, in such sums as said board may direct, not exceeding in amount the sum herein appropriated.

SEC. 2. That this act take effect and be in force from and after its publication in the statute book.

Approved, February 29, 1864.

THOMAS CARNEY,
Governor.

CHAPTER CXXX.

DESTRUCTION OF WOLVES.

AN ACT to encourage the destruction of Wolves.

Be it enacted by the Legislature of the State of Kansas:

SECTION 1. That whenever one-half of the legal voters of any county shall, by petition, ask the board of County Commissioners of such county to make an order allowing a bounty for wolf scalps, it shall be their duty to make such order: *Provided*, such bounty shall not exceed two dollars for each scalp. Petition for bounty. Proviso.

SEC. 2. That whoever applies for the payment of said bounty, shall present to the board of County Commissioners, or to the County Clerk in vacation, the wolf's scalp, including the ears of the wolf, and make affidavit that he killed the said wolf or Scalp and ears to be presented as vouchers.

wolves within the bounds of said county wherein the application is made.

SEC. 3. That whenever application is made, as set forth in section 2 of this act, it shall be the duty of the board of County Commissioners to cause an order to issue to the person thus applying, on the County Treasurer of said county, for the amount thus appropriated; and when such claim for bounty shall be allowed, it shall be the duty of the board of Commissioners to cause such scalps to be destroyed.

Order to issue for payment of bounty.

SEC. 4. That the board of County Commissioners may suspend the operation of the order herein provided for, at their discretion.

SEC. 5. This act shall be in force from and after its publication in the statute book.

Approved, February 27, 1864.

THOMAS CARNEY,
Governor.

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